

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF OHIO

CASE NO. 1:21-cv-1776-PAB

- - -

JOHN NOAKES,

Plaintiff,

-vs-

CASE WESTERN RESERVE UNIVERSITY,

Defendant.

- - -

Deposition of MARJORIE GREENFIELD, M.D., a

witness herein, via Zoom videoconferencing, taken by  
the Plaintiff as upon cross-examination and pursuant  
to the Federal Rules of Civil Procedure and Notice and  
agreement of counsel as to time and place and  
stipulations hereinafter set forth, on Monday,  
November 22, 2021, at 12:05 p.m., before Pamela L.  
Jackson, a Notary Public within and for the State of  
Ohio.

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## I N D E X

Witness:

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MARJORIE GREENFIELD, M.D.

Cross-Examination  
By Mr. Engel, Esq.

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## S T I P U L A T I O N S

It is stipulated by and between counsel for the respective parties that the deposition of MARJORIE GREENFIELD, M.D., a witness herein, called as upon cross-examination by the Plaintiff, may be taken at this time and place pursuant to the Federal Rules of Civil Procedure and Notice and agreement of counsel as to time and place of taking said deposition; that the deposition was recorded in stenotypy by the court reporter, Pamela L. Jackson, and transcribed out of the presence of the witness; and that said deposition is to be submitted to the witness for her examination and signature, and that signature may be affixed out of the presence of the Notary Public.

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MARJORIE GREENFIELD, M.D.

of lawful age, a witness herein, being first duly sworn as hereinafter certified, was examined and deposed as follows:

## CROSS-EXAMINATION

BY MR. ENGEL:

Q Would you please state and spell your name?

A Marjorie Greenfield,  
M-a-r-j-o-r-i-e G-r-e-e-n-f-i-e-l-d.

Q Where are you currently employed?

A Case Western Reserve University and University Hospitals in Cleveland.

Q What is your position there?

A At Case Western I'm an Assistant Dean for Student Affairs and Dean of the Geiger Society. At University Hospitals I'm Vice Chair of the Department For Faculty Development and I have another role doing career development for the hospital.

Q How long have you held those positions?

A The Assistant Dean position is since 2016, the other one probably about the same.

Q What are the job duties of an

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1 Assistant Dean?

2 A So we -- the way we set things up  
3 with the Assistant Dean for Student Affairs we each  
4 have a percentage of the class and we follow those  
5 students all the way through and we are advisors for  
6 career, academics, and personal advising.

7 Q Have you ever been in a deposition  
8 before?

9 A Yes.

10 Q How many times?

11 A Maybe three.

12 Q And what were the nature of the  
13 cases that led you to be deposed?

14 A I'm an Obstetrician. They were  
15 obstetric cases.

16 Q Were they -- Were you serving as an  
17 expert witness or were these cases where you or one of  
18 your colleagues was accused of malpractice?

19 A No. These were malpractice cases  
20 that we were named.

21 Q Okay. And what I know of  
22 obstetrics, I guess only three that's -- I got the  
23 impression you guys spend half of your time in  
24 depositions, so -- Well, that's good.

25 So you know -- I take it you

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1 understand the drill of -- of a deposition and -- and  
2 what we're doing here today?

3 A Basically, yeah.

4 Q I just have -- I -- I know you --  
5 you have got great counsel and -- and I know they have  
6 gone over everything with you. I just have a couple  
7 rules I like to go over with people about how I do  
8 depositions:

9 The first rule is that I will do my  
10 best to ask clear and concise questions, but I don't  
11 always succeed in that task, so if you don't  
12 understand anything please ask me to clarify the  
13 question and I will do so; fair enough?

14 A Okay.

15 Q Next rule is, of course, all your  
16 answers have to be out loud so that our court reporter  
17 can -- can take them down. So like you just did  
18 before you nodded your head or shook your head, she  
19 can't get those, so if you can -- Do you understand  
20 that?

21 A I understand.

22 Q You are not a hostage here, so if  
23 at any time you need to take a break please let us  
24 know and -- and we will do so. The only thing I ask  
25 is if there is a question or a line of questions

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1 pending we'll complete those questions and then you  
 2 can take a break; fair enough?  
 3 A Okay.  
 4 Q Okay. Finally we are going to do  
 5 our best to protect the confidentiality of students,  
 6 so I'd ask that we not include student names in this  
 7 deposition unless absolutely necessary. You  
 8 understand that?  
 9 A Yes.  
 10 Q Okay. And so in this litigation we  
 11 refer to the -- the student who's the Plaintiff as an  
 12 individual by -- by the name of John Noakes,  
 13 N-o-a-k-e-s. If I use that phrase "John Noakes" you  
 14 know who I'm referring to?  
 15 A Yes, I do.  
 16 Q Okay. The same if I use the term  
 17 "Jane Roe" to -- to describe the student who made  
 18 allegations against John Noakes you understand who I'm  
 19 referring to?  
 20 A Yes.  
 21 Q Okay. Do you have any other  
 22 questions before we begin?  
 23 A Do I need to refer to the student  
 24 as John Noakes?  
 25 Q If you could, yes. That will save

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1 us from having to redact the name from the transcript.  
 2 If -- If that becomes uncomfortable for you we can  
 3 always redact his name out of the transcript, but  
 4 sometimes some people can do it and sometimes some  
 5 people can't. It's -- It's an individual thing and,  
 6 you know, if -- and if you make a mistake it's not a  
 7 big deal. I think we have an agreement of counsel  
 8 that we can just redact the name or I think even if  
 9 you're okay with it, Amanda, Pam can just search and  
 10 replace even if necessary?  
 11 MS. QUAN: Okay. Perfect. If that  
 12 makes it easier for Marjorie we can certainly  
 13 agree that we can just do a search and  
 14 replace.  
 15 Q I -- I guess where that leaves us,  
 16 Doctor, if you're okay with it is we'll try our best,  
 17 but no one will be in trouble if they fail.  
 18 A Okay. I just -- I think it will  
 19 feel more like I'm telling the whole truth if I am not  
 20 using a fake name.  
 21 Q Okay. Well, I -- I -- we'll --  
 22 we'll try and see what we get; okay?  
 23 So you understand why -- why you're  
 24 here today; don't you?  
 25 A I'm not sure that I totally

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1 understand why I'm here today, no.  
 2 Q Okay. Well, are you aware if  
 3 anyone at Case Western ever encouraged John Noakes to  
 4 drop a Title IX complaint against Jane Roe?  
 5 MS. QUAN: Objection. And, sorry,  
 6 unless I instruct you not to answer --  
 7 THE WITNESS: Okay.  
 8 MS. QUAN: -- go ahead and -- go  
 9 ahead and answer.  
 10 And, Josh, just so that you know  
 11 we're in the same room, but I have muted  
 12 myself so we do not overlap, I guess.  
 13 A So ask me the question again. I'm  
 14 sorry.  
 15 Q Sure.  
 16 Are you aware if anyone at  
 17 Case Western ever encouraged John Noakes to drop a  
 18 Title IX complaint against Jane Roe?  
 19 A No.  
 20 Q Are you aware if anyone at  
 21 Case Western ever encouraged John Noakes to drop a  
 22 Title IX retaliation complaint against Dr. Ricanati?  
 23 MS. QUAN: Objection to the line of  
 24 questioning, but go ahead -- go ahead and  
 25 answer.

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1 A No.  
 2 Q Are you aware if anyone at  
 3 Case Western ever encouraged John Noakes to drop a  
 4 Title IX retaliation complaint against Dr. Parker?  
 5 A No.  
 6 Q Did you ever encourage John Noakes  
 7 to drop a Title IX complaint against Jane Roe?  
 8 A No.  
 9 Q Did you ever encourage  
 10 John Noakes -- or let me -- let me rephrase that.  
 11 Did you ever discourage John Noakes  
 12 from pursuing a Title IX complaint against Jane Roe?  
 13 A No.  
 14 Q Did you ever discourage John Noakes  
 15 from pursuing a Title IX retaliation complaint against  
 16 Dr. Ricanati or Dr. Parker?  
 17 A I don't think so.  
 18 Q Did you ever encourage John Noakes  
 19 to take a leave of absence because other students in  
 20 his class did not want him to be there?  
 21 MS. QUAN: Objection.  
 22 A Yes, I encouraged him to take the  
 23 leave of absence, but, no, that wasn't really the  
 24 reason.  
 25 Q And we'll get into it.

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1                   So the answer is, no, you did not  
2 encourage John Noakes to take a leave of absence  
3 because other students in his class did not want him  
4 there?  
5           A           Well, I did encourage him to take a  
6 leave of absence, so I don't want to be misleading,  
7 but --  
8           Q           Again I appreciate that.  
9           A           -- but, no, it wasn't for the  
10 purpose of -- it wasn't because other students didn't  
11 want him there. I wasn't doing it for the other  
12 students.  
13          Q           Okay. Now, are you familiar with  
14 the Case Western policies regarding Title IX?  
15          A           That's kind of a big question. I  
16 understand some of them.  
17          Q           Okay. Have you received training  
18 on the school's Title IX policy?  
19          A           I've been oriented to what my  
20 responsibilities are if someone discloses something to  
21 me.  
22          Q           So do you -- Are you aware if the  
23 Case Western policies prohibit retaliation against  
24 students for participating in the Title IX process?  
25                   MS. QUAN: Objection, but go ahead.

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1           A           I'm aware of it now, but -- I am  
2 aware of it now, yes.  
3           Q           Okay. So are you aware of the fact  
4 that students are permitted to criticize the Title IX  
5 process at Case Western?  
6           A           Yes.  
7                   MS. QUAN: Objection.  
8           A           Yes.  
9           Q           And that any actions taken against  
10 them in response to that criticism is prohibited by  
11 the school's policies?  
12                   MS. QUAN: Objection.  
13          A           I don't know that I knew that  
14 directly. I know it now.  
15          Q           Okay. Are you aware that the --  
16 that students at Case Western are permitted to  
17 participate in the Title IX process?  
18          A           Yes.  
19          Q           And are you aware that  
20 Case Western's policies prohibit retaliation against  
21 students as a result of their participation in the  
22 Title IX process?  
23          A           Yes.  
24          Q           Are you aware that students are  
25 permitted to defend themselves under Case Western's

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1 policies in a Title IX process?  
2           A           Yes.  
3           Q           Okay. And are you aware that  
4 Case Western's policies prohibit any retaliation  
5 against the students as a result of their defending  
6 themselves in the Title IX process?  
7                   MS. QUAN: Objection.  
8           A           Again I understand that now.  
9           Q           When -- When did you gain this  
10 understanding?  
11          A           I think as I was understanding more  
12 things about the way the allegations were playing out.  
13          Q           So can you give me a time frame  
14 when -- when you learned that?  
15          A           Within the last few months  
16 probably.  
17          Q           So within the last few months have  
18 you gained an understanding that you may not have  
19 acted in compliance with the school's Title IX  
20 policies?  
21                   MS. QUAN: Objection.  
22          A           I don't think I was in -- not in  
23 compliance with the policies.  
24          Q           And there's -- there's a double  
25 negative in there, so let me --

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1           A           I believe -- I believe I was in  
2 compliance with the policies.  
3           Q           Okay. So I'm going to show you on  
4 the screen -- And I assume you have a screen in front  
5 of you?  
6           A           Yes, I do.  
7           Q           Okay. So if I show you a document  
8 you'll be able to see it on the screen hopefully?  
9           A           If Zoom works.  
10          Q           Okay. That's always the challenge.  
11                   All right. So I am showing you  
12 what we will mark as Exhibit 1.  
13                   MR. ENGEL: Off the record.  
14                   (Off-the-record discussion.)  
15                   (Plaintiff's Exhibit 1 was marked  
16 for identification.)  
17                   MR. ENGEL: Let's go back on the  
18 record.  
19 BY MR. ENGEL:  
20          Q           So what I'm showing you is a --  
21 what I'll describe as a GroupMe post from John Noakes  
22 on April 15th of 2021 at 4:38 p.m. and it has a  
23 Bates No. 414 at the bottom. Now, have you seen this  
24 document?  
25          A           Yes.

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1 Q And so first is it your  
2 understanding that this was posted in a school GroupMe  
3 chat? Do you know what GroupMe is?  
4 A Yes, it's an internal chat that the  
5 class has set up.  
6 Q And are you familiar with things  
7 that are posted on this internal chat?  
8 A No.  
9 Q Do you know if this internal chat  
10 is limited to just school issues?  
11 A I don't know.  
12 MS. QUAN: Sorry. Objection.  
13 Q Is it considered inappropriate to  
14 post things that are not school related on this  
15 GroupMe chat?  
16 MS. QUAN: Objection.  
17 A I don't know.  
18 Q And just so we're clear this  
19 GroupMe chat -- or this post by John Noakes that's  
20 Exhibit 1, this is the reason that John Noakes was  
21 brought before the Committee on Students?  
22 MS. QUAN: Objection.  
23 A Yes.  
24 Q Okay.  
25 A Well, I should -- It's not -- It

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1 was not because of the post. It was because of the  
2 complaints made by student -- other students about the  
3 post.  
4 Q Well, what's the difference there?  
5 A Well, we wouldn't have known about  
6 the post and we don't really go out looking for -- you  
7 know, looking, scrutinizing, things that our students  
8 do, but when it's brought to our attention by another  
9 student or by somebody else then it gets investigated.  
10 Q Okay. And -- And I'm going to dig  
11 into that process in a little bit, but for purposes of  
12 my first line of questions at some point you became  
13 aware of -- of this post; right?  
14 A Yes.  
15 Q Okay. And then the -- You and  
16 other members of the faculty, including the  
17 Committee on Students, had to determine whether  
18 John Noakes violated any rules by making this post?  
19 MS. QUAN: Objection.  
20 A No, that wasn't up to me to decide  
21 if he violated any rules.  
22 Q Some human being at the school had  
23 to decide if he violated the rules; right?  
24 MS. QUAN: Objection.  
25 A Professionalism Working Group and

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1 then the Committee on Students would be the ones that  
2 would be looking at that. I'm not in either one of  
3 those groups.  
4 Q So those two groups, they're the  
5 ones with the power to impose discipline on students?  
6 A Yes.  
7 Q Okay. And that discipline can  
8 include sanctions up to and including dismissal from  
9 the medical school?  
10 A Yes.  
11 Q In any event at some point you  
12 became aware of this post by John Noakes; right?  
13 A Yes.  
14 Q And were you aware that John Noakes  
15 was referring to a decision by the Title IX board when  
16 he made this post?  
17 MS. QUAN: Objection.  
18 A Yes.  
19 Q What -- Do you believe that this  
20 post raises any professionalism concerns?  
21 A Yes.  
22 Q What are those?  
23 A I think I was concerned when I saw  
24 this that it was disrespectful of other students'  
25 emotions.

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1 Q Anything else about this post that  
2 raised professionalism concerns?  
3 A No.  
4 Q You'd agree with me this post  
5 doesn't mention the name of any other students; right?  
6 A Correct.  
7 Q Okay. It doesn't include any  
8 confidential information about anyone else; does it?  
9 A No.  
10 Q Are you aware of any other social  
11 media posts by John Noakes about this issue or  
12 Title IX in general?  
13 A No.  
14 Q Are you aware of any other social  
15 media posts by Jane Roe about this issue or Title IX  
16 in general?  
17 A Not specifically, no.  
18 Q Do you believe there's anything in  
19 this post that is racist, sexist, or ethnographic?  
20 A No.  
21 Q And I think I asked you this  
22 question, so I apologize if I did.  
23 Is there anything in this quote --  
24 in this post that discloses the personal information  
25 of another person?

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1 A No.  
 2 Q Is there anything in this post  
 3 that -- that could be considered gloating over the  
 4 misfortune of others?  
 5 MS. QUAN: Objection.  
 6 A Yes.  
 7 Q Okay. What -- What is that  
 8 misfortune?  
 9 MS. QUAN: Objection.  
 10 A I think the timing of making a post  
 11 like this on a day when he was found not responsible  
 12 in the Title IX case, you know, connects this post to  
 13 that event and putting the 1-0 sounds like 1 win, no  
 14 losses, which I think is disrespectful of the other  
 15 people involved.  
 16 Q So is any time someone is happy  
 17 about their win gloating about the misfortune of  
 18 others?  
 19 MS. QUAN: Objection.  
 20 A I think Title IX is a very  
 21 sensitive situation. I think this case is very  
 22 sensitive. I think emotions were high for a lot of  
 23 people and it showed a disregard or insensitivity, one  
 24 or the other, to the fact that this was a very  
 25 emotional situation.

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1 Q Do you believe that this language  
 2 was intended to bully or intimidate?  
 3 MS. QUAN: Objection.  
 4 A I don't know.  
 5 Q Do you believe there's anything in  
 6 this post that is inflammatory or accusatory?  
 7 MS. QUAN: Objection.  
 8 A I think putting 1-0 is  
 9 inflammatory.  
 10 Q And why is that?  
 11 A Because in a sexual assault case  
 12 saying 1 win and no losses when you get exonerated is  
 13 inflammatory.  
 14 Q Were any comments about a sexual  
 15 assault case considered to be inflammatory?  
 16 MS. QUAN: Objection.  
 17 A I don't know what you mean.  
 18 Q What is your definition of  
 19 inflammatory?  
 20 A It's when emotions are running high  
 21 and you kind of gloat about your success when someone  
 22 else in that situation may be experiencing emotional  
 23 distress.  
 24 Q Is there any policy at the medical  
 25 school that requires the Title IX process be kept

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1 confidential?  
 2 MS. QUAN: Objection.  
 3 A I don't know.  
 4 Q Is there any -- So as you sit here  
 5 today are you aware of any medical school policy that  
 6 requires students who are engaged in the Title IX  
 7 process to keep everything about that process  
 8 confidential?  
 9 MS. QUAN: Objection.  
 10 A I have heard that, but I don't -- I  
 11 haven't seen a written policy.  
 12 Q Are you aware of any policy in the  
 13 University in general that requires that students  
 14 engaged in the Title IX process keep that process  
 15 confidential?  
 16 MS. QUAN: Objection.  
 17 A Again I have heard that, but I  
 18 haven't seen a written policy.  
 19 Q And so if there was a written  
 20 policy would it be in the -- the medical school  
 21 handbook?  
 22 MS. QUAN: Objection.  
 23 A I don't think that kind of policy  
 24 that specifically would be in the medical student  
 25 handbook.

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1 Q Okay. So where would I find this  
 2 policy if it existed?  
 3 MS. QUAN: Objection.  
 4 A I don't know. I would check with  
 5 Legal.  
 6 Q So if a student is accused of doing  
 7 something that they believe they didn't do and are  
 8 found not guilty how -- how are they supposed to  
 9 react?  
 10 MS. QUAN: Objection.  
 11 A I would expect they would be  
 12 relieved.  
 13 Q Are they required to keep their  
 14 relief confidential?  
 15 MS. QUAN: Objection.  
 16 A I don't think there's rules about  
 17 keeping your relief confidential.  
 18 Q And I believe your statement was  
 19 that this post was disrespectful of other students'  
 20 emotions. Who were those other students you're  
 21 referring to?  
 22 A Well, primarily the female student  
 23 in the Title IX case.  
 24 Q Anyone else?  
 25 A I think some of her friends were

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1 very emotionally caught up also, so they were probably  
2 upset by this as well.

3 Q How would anyone other than  
4 Jane Roe know what this post was about?

5 MS. QUAN: Objection.

6 A My understanding is there were some  
7 witnesses called during the Title IX process, but also  
8 I would imagine that the female student reached to her  
9 friends for support.

10 Q Okay. Do you know if John --  
11 John Noakes ever disclosed any information about the  
12 Title IX process to other students at the school?

13 A I don't know.

14 Q Do you know if Jane Roe disclosed  
15 information about the Title IX process to other  
16 students at the school?

17 A I don't know.

18 Q So on the professionalism concern  
19 raised in this post simply the fact that other  
20 students were negatively impacted?

21 MS. QUAN: Objection.

22 A You know, as a professional school  
23 we have -- we care about the professional development  
24 of our students and so we are very -- try to be very  
25 attune to students treating each other respectfully

1 and professionally and showing empathy, so it's not  
2 just the fact that other students complained about it.  
3 It's also what looks in the post like a lack of  
4 empathy.

5 Q When you say "showing empathy",  
6 what -- what do you mean by that?

7 A So, you know, when I talked to the  
8 student about the post it didn't seem that he had any  
9 thoughts about the fact that there were other people  
10 involved who might be upset by this or be hurt by it.

11 Q And is that lack of empathy  
12 considered to be a professionalism violation?

13 MS. QUAN: Objection.

14 A I wouldn't use the word  
15 "violation". It's a professionalism concern.

16 Q Let me see if I understand. If a  
17 student says something that is 100 percent true but  
18 other students are hurt or upset by it does that raise  
19 a professionalism concern?

20 MS. QUAN: Objection.

21 A I -- I would need to know the  
22 specifics of what you're saying to be able to answer  
23 that.

24 Q Now, are you aware if other  
25 students at Case Western disagreed with the April 15th

1 decision of the hearing panel?

2 A I'm sorry. Ask that again.

3 Q Okay. Well, let me -- let me set  
4 the stage here.

5 You're aware this post was made  
6 after a hearing panel found John Noakes not  
7 responsible; right?

8 A Yes.

9 Q Okay. Are you aware if any of the  
10 students in his class disagreed with that decision?

11 A I don't know specifically, but my  
12 understanding now from reading the Early Concerns that  
13 came in from this post is yes.

14 Q In other words, you're -- you're  
15 now aware that a number of students believed that he  
16 was guilty even though the panel found otherwise?

17 MS. QUAN: Objection.

18 A Yes, I think that's true.

19 Q Okay. And I know sometimes the  
20 school uses terms like "responsible" and "not  
21 responsible". You understand what I mean by saying  
22 "guilty" in that context?

23 A Yes.

24 Q Are you aware if any faculty  
25 members at Case Western disagreed with the outcome of

1 the hearing panel?

2 A No.

3 Q Are you aware -- aware of any  
4 faculty members who believed that John Noakes was  
5 guilty even though the panel found otherwise?

6 MS. QUAN: Objection.

7 A No.

8 Q Do you believe that John Noakes was  
9 guilty even though the panel found otherwise?

10 MS. QUAN: Objection.

11 A No.

12 Q Are students at Case Western  
13 considered to be innocent until proven guilty when  
14 accused of sexual misconduct?

15 MS. QUAN: Objection.

16 A I think that the standard is more  
17 likely than not, but, you know, I think in general  
18 that people should be assumed to be innocent until  
19 proven otherwise.

20 Q Is that an important value that you  
21 try to teach at -- at the medical school?

22 MS. QUAN: Objection.

23 A Innocent until proven guilty? Is  
24 that what you --

25 Q Yeah.

1 A I -- I am not sure that I know the  
2 answer to that.  
3 Q What about is respect for a -- a  
4 process an important value that you try to teach at  
5 the medical school?  
6 MS. QUAN: Objection.  
7 A Yes.  
8 Q So what have you done in -- in  
9 respect to the John Noakes' case to remind students  
10 about important values?  
11 MS. QUAN: Objection.  
12 A That's not my job.  
13 Q Whose job is it?  
14 MS. QUAN: Objection.  
15 A There's a variety of ways that we  
16 might go about it, but my job was to be the  
17 Society Dean for the student and to be his advisor.  
18 Q Would it be considered proper for  
19 students to encourage other students to file  
20 professionalism concerns about John Noakes because  
21 they were unhappy with the outcome of the hearing  
22 panel?  
23 MS. QUAN: Objection.  
24 A I don't know that I can answer  
25 that.

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1 Q Would it raise any professionalism  
2 concerns if that occurred?  
3 A It depends on the situation.  
4 Q So what are those situational  
5 factors then you would be looking for?  
6 A When I went through the  
7 Early Concerns the ones for -- for me personally that  
8 I took as meaningful were the ones that were  
9 specifically about this post and it being  
10 disrespectful and I did not take into account the ones  
11 that said that the result of the hearing was not  
12 accurate because I respect the process.  
13 Q Does the fact that students in  
14 submitting their Early Concerns indicated a lack of  
15 respect for the process raise professionalism concerns  
16 about those students?  
17 MS. QUAN: Objection.  
18 A I think emotions run very high in  
19 cases like this and I think this post really pushed a  
20 lot of people's buttons who might not have said  
21 anything if he hadn't seemed to be gloating.  
22 Q You indicated that the post showed  
23 a lack of empathy towards Jane Roe and others who  
24 might be upset; right?  
25 A Yes.

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1 Q Okay. Are students required to  
2 show empathy towards John Noakes?  
3 A That's an interesting question. I  
4 think -- That's an interesting question. I am not  
5 sure I can answer that.  
6 Q Well, certainly if you were accused  
7 of something that you didn't do that would cause you  
8 distress; right?  
9 A Yes.  
10 Q Okay. So are other students  
11 required to show empathy towards the distress that  
12 John Noakes might be suffering as a result of being  
13 accused of something that he didn't do?  
14 MS. QUAN: Objection.  
15 A You know, we can't require students  
16 to show empathy in all circumstances. If somebody  
17 wanted to make a report about a student not  
18 demonstrating empathy then that would get evaluated by  
19 the Professionalism Working Group.  
20 Q As the Society Dean are you  
21 required to wait until you receive an Early Concern to  
22 address professionalism issues?  
23 A Generally, yes.  
24 Q In other words, if you see a  
25 student behaving unprofessionally are you allowed to

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1 do anything about it?  
2 MS. QUAN: Objection.  
3 A It's not my -- Yeah -- No, I --  
4 We -- We don't make judgments -- The Society Deans  
5 have a firewall about evaluating the students, so we  
6 generally don't make judgments like that.  
7 Q So if you observe unprofessional  
8 conduct by a student what do you do?  
9 MS. QUAN: Objection.  
10 A I might -- It depends on the  
11 circumstance.  
12 Q What -- What are your options at  
13 that point?  
14 A I could talk to the student. That  
15 would be the most likely thing.  
16 Q What else could you do?  
17 A I wouldn't make a professionalism  
18 complaint about my own student ever.  
19 Q What about another student?  
20 A I could put in a professionalism  
21 complaint about that student if I thought it was  
22 necessary.  
23 Q Would referring to another student  
24 as a rapist or a sexual predator raise professionalism  
25 concerns?

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1 MS. QUAN: Objection.  
 2 A Sure, yes.  
 3 Q And in particular would referring  
 4 to John Noakes as a rapist or a sexual predator raise  
 5 professional concerns?  
 6 MS. QUAN: Objection.  
 7 A Yes.  
 8 Q Okay. Are you aware of any other  
 9 students at Case Western who referred to John Noakes  
 10 as a rapist or sexual predator?  
 11 A No, I don't know.  
 12 Q Are all the students at  
 13 Case Western subject to the same rules and  
 14 administrative processes?  
 15 MS. QUAN: Objection.  
 16 A Yes.  
 17 Q Okay. So the same rules apply to  
 18 Jane Roe as -- as John Noakes?  
 19 MS. QUAN: Objection.  
 20 A Yes, we try to be fair.  
 21 Q Okay. And the same rules apply to  
 22 other students in the medical class as John Noakes?  
 23 A Yes.  
 24 Q Okay. And if there were  
 25 professionalism concerns they would be reviewed by the

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1 same Committee on Students and Professional Working  
 2 Group?  
 3 A If there were professionalism  
 4 complaints.  
 5 Q They would be reviewed by the same  
 6 people?  
 7 A Yes, if there's a complaint that's  
 8 put in.  
 9 Q And who -- who has the ability to  
 10 put in a complaint?  
 11 MS. QUAN: Objection.  
 12 A Most of the complaints come from  
 13 other students or faculty.  
 14 Q So you as a faculty member have the  
 15 ability to put in a complaint if you observe  
 16 unprofessional conduct by another student?  
 17 MS. QUAN: Objection, asked and  
 18 answered.  
 19 A Yes, I'm allowed to put in a  
 20 professionalism complaint.  
 21 Q And other faculty members are  
 22 allowed to do that as well?  
 23 A Yes.  
 24 (Plaintiff's Exhibit 2 was marked  
 25 for identification.)

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1 BY MR. ENGEL:  
 2 Q All right. Let me show you what I  
 3 have marked Exhibit 2 which is an Instagram post and  
 4 this is Bates No. 85 at the bottom. It appears to be  
 5 a -- There's no date on it -- an Instagram post at the  
 6 cwru.survivors' Instagram page. Are you familiar with  
 7 this document?  
 8 A No.  
 9 Q Have you ever seen this before?  
 10 A I don't think so.  
 11 Q Well, if you could take a chance to  
 12 review it and let me know if this raises any  
 13 professionalism concerns?  
 14 MS. QUAN: Objection.  
 15 A Okay. I'll read it.  
 16 Okay. I read it.  
 17 Q Okay. Do you see any  
 18 professionalism concerns with this Instagram post?  
 19 MS. QUAN: Objection.  
 20 A You mean with posting it or with  
 21 the story of the perception of what happened? I'm not  
 22 sure I understand your question.  
 23 Q Well, do you believe that this post  
 24 is disrespectful of other students' emotions?  
 25 A No. I believe this is someone's

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1 truth.  
 2 Q So how is this Exhibit 2 -- Well,  
 3 how is Exhibit 1 not someone's truth?  
 4 MS. QUAN: Objection.  
 5 A I think there's a difference  
 6 between telling a story that's your experience and  
 7 writing a score.  
 8 Q Would you say that Exhibit 2 is  
 9 accusatory?  
 10 MS. QUAN: Objection.  
 11 A Yes.  
 12 Q Would you say it was inflammatory?  
 13 MS. QUAN: Objection.  
 14 A I don't know that I -- I don't know  
 15 if I would use the word "inflammatory".  
 16 Q Does it change your answers at all  
 17 if I represent to you that this is a post from  
 18 Jane Roe about John Noakes?  
 19 A It just makes me really sad.  
 20 Q Why does it make you sad?  
 21 A Because it -- it helps me  
 22 understand the mental state of the person who accused  
 23 him and I was trying very hard to stay away from  
 24 hearing the details of what happened.  
 25 Q Well, does it change your approach

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1 if you know, for example, that -- Well, let me back  
 2 up.  
 3 Did you ever review the Title IX  
 4 investigation in this matter?  
 5 A No.  
 6 Q So were you aware that prior to the  
 7 Title IX investigation of this -- I'm sorry. Back up.  
 8 Were you aware that during the  
 9 Title IX investigation of this matter Jane Roe made  
 10 false statements to the investigators?  
 11 MS. QUAN: Objection.  
 12 A No.  
 13 Q Were you aware that Jane Roe had  
 14 threatened to bring false charges against John Noakes?  
 15 MS. QUAN: Objection.  
 16 A No.  
 17 Q Were you aware that she admitted to  
 18 threatening him in text messages before she filed the  
 19 Title IX complaint?  
 20 MS. QUAN: Objection.  
 21 A No.  
 22 Q Were you aware that Jane Roe had  
 23 texted John Noakes during their breakup, "I'm going to  
 24 report you for the lying and the sex and for  
 25 everything. It was all a lie"?

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1 MS. QUAN: Objection.  
 2 A No.  
 3 Q Were you aware that she told  
 4 John Noakes that she was sorry for what she put him  
 5 through?  
 6 MS. QUAN: Objection.  
 7 A No.  
 8 Q Were you aware that she texted him  
 9 once, "I'm so sorry. You didn't deserve all the  
 10 emotions and drama"?  
 11 MS. QUAN: Objection.  
 12 A No.  
 13 Q Were you aware that at one point  
 14 she texted him, "I'm sorry for making your life so  
 15 horrible"?  
 16 MS. QUAN: Objection. And  
 17 objection as to the line of questioning in  
 18 that Marjorie already testified she wasn't  
 19 aware of this.  
 20 MR. ENGEL: Duly noted.  
 21 BY MR. ENGEL:  
 22 Q Go ahead.  
 23 A No.  
 24 Q Were you aware that the  
 25 investigation discovered that Jane Roe continued to

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1 engage in sexual activity with John Noakes even after  
 2 the sexual assault allegedly described in this  
 3 Instagram post?  
 4 MS. QUAN: Objection.  
 5 A No.  
 6 Q So does that information change  
 7 your response to what you see in the -- in Exhibit 2?  
 8 A No.  
 9 Q Do you know if any actions were  
 10 taken by the medical school in response to this  
 11 Instagram post?  
 12 MS. QUAN: Objection.  
 13 A I don't know.  
 14 Q I'm going to show you now what  
 15 we'll mark as Exhibit 3 which is an August 10th, 2021,  
 16 Instagram post from Jane Roe, Bates No. 86.  
 17 (Plaintiff's Exhibit 3 was marked  
 18 for identification.)  
 19 BY MR. ENGEL:  
 20 Q Have you ever seen this before?  
 21 A No.  
 22 Q Does this Instagram post raise any  
 23 professionalism concerns for you?  
 24 MS. QUAN: Objection.  
 25 A No.

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1 Q It accuses John Noakes of -- of  
 2 misconduct; doesn't it?  
 3 MS. QUAN: Objection.  
 4 A I don't really understand what it's  
 5 about.  
 6 Q Well, it says she's being  
 7 intimidated and harassed by a classmate; right?  
 8 A That's what she says here, yes.  
 9 Q Okay. Is that an accusatory  
 10 statement?  
 11 MS. QUAN: Objection.  
 12 A Yes.  
 13 Q Okay. Does the fact that she's  
 14 making an accusatory statement about a classmate raise  
 15 any professionalism concerns?  
 16 MS. QUAN: Objection.  
 17 A No. I think everybody has their  
 18 own truth. I'm -- and I -- I am not in a position to  
 19 judge what -- what's behind this.  
 20 Q So I'm trying to understand the  
 21 difference. So -- So why are some people speaking  
 22 their own truth problematic and other people speaking  
 23 their own truth not problematic?  
 24 MS. QUAN: Objection. Go ahead.  
 25 A I think if he had written in the

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1 GroupMe post, "I'm so relieved," that's different than  
2 putting a score. I think putting a score is very --  
3 It's -- It's different than talking about your  
4 experience. These are things that are -- This, what  
5 she's writing here, is in the first person -- It's her  
6 experience -- but putting a score is different than  
7 that. It's pretty -- It's a pretty aggressive thing  
8 to write.

9 Q So if instead of putting a score  
10 John Noakes had written, "Jane Roe has continued to  
11 intimidate and harass me," that would have been okay?

12 MS. QUAN: Objection.

13 A I think it would have been  
14 ill-advised if he put that in the class GroupMe.

15 Q So why is it ill-advised for  
16 John Roe -- John Noakes to do that but not ill-advised  
17 for Jane Roe to post what we have marked as Exhibit 3?

18 A Well, this is --

19 MS. QUAN: Objection. Go ahead.

20 A This isn't the class GroupMe. This  
21 is her personal page. This isn't a message out to the  
22 class. This is her expressing herself.

23 Q Do you know if other people in the  
24 class would have seen this?

25 MS. QUAN: Objection.

1 A I don't know.  
2 Q Do you know -- Would you consider  
3 this to be disrespectful of the emotions of other  
4 students?

5 MS. QUAN: Objection.

6 A I think this comes from a place of  
7 pain.

8 Q Do you believe that Jane Roe gave  
9 any thought to whether this post might hurt or upset  
10 John Noakes?

11 MS. QUAN: Objection.

12 A I don't know.

13 Q Do you know if this post was ever  
14 reviewed by the Committee on Students or the  
15 Professionalism Working Group?

16 A I don't know.

17 Q All right. I am showing you what  
18 we're marking as Exhibit 4 which is a document titled  
19 "Class Survey" and it's -- I don't have Bates numbers  
20 on this one. This might be our own exhibit.

21 (Plaintiff's Exhibit 4 was marked  
22 for identification.)

23 MS. QUAN: Josh, I don't think we  
24 have seen this before. Can I get a copy by  
25 any chance?

1 MR. ENGEL: Yeah, I'll -- I'll give  
2 you a -- a -- I'll send around after we're  
3 done copies of all the exhibits.

4 MS. QUAN: Okay.

5 MR. ENGEL: So I -- I will do that  
6 as soon as we're done with the deposition  
7 here.

8 BY MR. ENGEL:

9 Q But have you ever seen Exhibit 4?

10 A No.

11 Q And I'll represent to you that the  
12 name redacted in the bottom two redactions is  
13 John Noakes' name. Why don't you take a moment to  
14 review this and let me know if it raises any  
15 professionalism concerns?

16 A Yes.

17 MS. QUAN: Sorry. Objection.

18 Josh, is it a two-page document? I just want  
19 to make sure she was able --

20 MR. ENGEL: Yeah, so let me know  
21 when you need me to scroll.

22 A Yeah, you can scroll.

23 Oh, what's this? Oh, okay.

24 Q Let me know when you're ready.

25 A Yeah, I'm ready.

1 Q Okay. So does this document raise  
2 any professionalism concerns?

3 MS. QUAN: Objection.

4 A Yes.

5 Q What are those?

6 A It was inappropriate for a person  
7 to survey the class in this way about a student that  
8 was involved in Title -- Well, just about any student.

9 Q So do you know what actions were  
10 taken as a result of those professionalism concerns?

11 MS. QUAN: Objection.

12 A I don't -- I know she -- I know  
13 that they were told to take the survey down and I know  
14 that it was dealt with as a professionalism issue, but  
15 I don't know what the process or the outcome was.

16 Q Okay. And so do you know if it was  
17 reviewed by the Professionalism Working Group?

18 A I don't know.

19 Q Do you know if it was reviewed by  
20 the Committee on Students?

21 A It was not reviewed by the  
22 Committee on Students.

23 Q So do you know if the student who  
24 wrote this ever received a letter like John Noakes did  
25 indicating that this document could lead to his

1 dismissal from the University?

2 MS. QUAN: Objection.

3 A Generally those -- that -- those --

4 those kinds of communications come from Committee on

5 Students. I don't think it -- it reached that level.

6 Q Do you know why it never reached

7 that level?

8 MS. QUAN: Objection.

9 A I don't know for sure. My

10 assumption -- I have an assumption that the

11 Professionalism Working Group didn't escalate it.

12 MS. QUAN: Objection. And -- And,

13 Marjorie, Josh is only asking you --

14 THE WITNESS: Okay. To what I

15 know.

16 A Yes, I don't know.

17 Q Yeah, your -- your -- your counsel

18 is correct. I don't want you to assume.

19 A Okay.

20 Q But now -- But now I will. So let

21 me be clear.

22 Do you know for a fact whether the

23 Professionalism Working Group reviewed this document

24 or not?

25 A I do not know.

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1 Q Who would know that?

2 A I -- I think Dr. Ricanati would

3 know that.

4 Q So do you have any knowledge if the

5 Professionalism Working Group reviewed it why they

6 didn't escalate it?

7 MS. QUAN: Objection.

8 A No. I don't even know whether they

9 reviewed it.

10 Q Now, on the second page we see an

11 invitation for people to submit Early Concerns about

12 John Noakes -- Am I characterizing that correctly?

13 A Yes.

14 Q Okay. And so I -- I used to work

15 in politics and I -- I knew this term "astroturfing".

16 Have you ever heard that term?

17 A What term?

18 Q Astroturfing.

19 A No, I don't know what it is.

20 Q Okay. It's -- It's a deceptive

21 practice of presenting an orchestrated campaign in the

22 guise of unsolicited -- unsolicited comments.

23 A Okay.

24 Q So would this be considered an

25 effort to create the impression that students were

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1 upset with John Noakes when they really weren't?

2 MS. QUAN: Objection.

3 A I don't know that I can answer

4 that.

5 Q Do you know if the student who

6 created this Class Survey was required to undergo any

7 professional coaching?

8 MS. QUAN: Objection.

9 A I don't know.

10 Q I will show you what we will mark

11 as Exhibit 5 which has Bates No. 234 on it.

12 (Plaintiff's Exhibit 5 was marked

13 for identification.)

14 MR. ENGEL: And, Amanda, I do see

15 there's a link to the Google docs here. When

16 I send that to you I will -- later today I am

17 going to redact that link to the Google docs

18 because that could lead to if we file it

19 someone submitting it and being able to see

20 the names here.

21 MS. QUAN: Thank you. I'm so sorry

22 about that. I -- I did not catch that.

23 MR. ENGEL: No, no, no, that's not

24 your fault if it's -- It's not even -- It's

25 nobody's fault. It's just that will happen

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1 sometimes if it's still an active document.

2 I will have to check -- Regardless.

3 BY MR. ENGEL:

4 Q So let me -- let me identify it

5 again because I am not sure I did a good job.

6 Exhibit 5 is a document entitled

7 "Petition" which begins on Bates No. 234. Have you

8 ever seen this document before?

9 A No.

10 Q So let me give you a chance to

11 review it and then I'm going to ask you the same

12 question about whether it raises any professionalism

13 concerns. And let me know when you need me to scroll.

14 A Okay. I read it.

15 Q And then I can scroll the second

16 page too so you have got a chance to see that as well.

17 Does the petition identified as

18 Exhibit 5 raise any professionalism concerns for you?

19 MS. QUAN: Objection.

20 A Yes.

21 Q What are those concerns?

22 A It's -- It's inappropriate to have

23 a petition like this coming from students.

24 Q Do you know what actions were taken

25 to address those professionalism concerns?

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1 MS. QUAN: Objection.  
 2 A No.  
 3 Q Do you know if the student who  
 4 authored this petition was reviewed by the  
 5 Professionalism Working Group?  
 6 MS. QUAN: Objection.  
 7 A I don't know.  
 8 Q Do you know if the student who  
 9 authored this petition was reviewed by the  
 10 Committee on Students?  
 11 MS. QUAN: Objection.  
 12 A This was not reviewed by the  
 13 Committee on Students.  
 14 Q Okay. How do you know that?  
 15 A Because I have been to all of the  
 16 Committee on Students' meetings and this wasn't  
 17 reviewed.  
 18 Q Let me show you a document we will  
 19 mark as Exhibit 6 which is an email with an  
 20 attachment. It looks like it begins on 4 --  
 21 April 20th, 2021, from Jean Seneff to Darnell Parker.  
 22 It begins on Bates No. 443 and ends on Bates No. 445.  
 23 (Plaintiff's Exhibit 6 was marked  
 24 for identification.)  
 25

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1 BY MR. ENGEL:  
 2 Q And -- And I'll -- I'll note to  
 3 make it easier, Doctor, it doesn't appear that you  
 4 were copied on any of the emails, so I just want to  
 5 draw your attention to the document on the third page  
 6 there. Have you ever seen this document before?  
 7 A No.  
 8 Q Okay. Were you aware that this  
 9 document was taped on the door or window of a restroom  
 10 in the medical school?  
 11 A No.  
 12 Q Does this document raise any  
 13 professionalism concerns?  
 14 MS. QUAN: Objection.  
 15 A I'm not sure I can answer that.  
 16 Q Why can't you answer that?  
 17 A Well, yes, it's inappropriate --  
 18 Let's put it that way.  
 19 Q It's inappropriate because it's  
 20 inflammatory?  
 21 MS. QUAN: Objection.  
 22 A It's inappropriate because it --  
 23 Yes, it's inflam -- it's accusatory and that's -- You  
 24 know, the bathroom wall is not the place for that.  
 25 Q Do you know what actions were taken

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1 by the medical school to determine who posted this?  
 2 MS. QUAN: Objection.  
 3 A No.  
 4 Q Do you know if any actions were  
 5 taken by the medical school to determine who posted  
 6 this?  
 7 MS. QUAN: Objection.  
 8 A I didn't even know about this,  
 9 no.  
 10 Q Do you know if the  
 11 Professionalism Working Group ever reviewed this  
 12 document?  
 13 A No.  
 14 MS. QUAN: Objection.  
 15 Q Do you know if the Committee on  
 16 Students ever reviewed this document?  
 17 A The Committee on Students did not  
 18 review the document.  
 19 Q And when I say "reviewed the  
 20 document", I guess the Committee on Students actually  
 21 review students, right, so it would be the human being  
 22 who wrote the document who would be reviewed?  
 23 A Right. I don't know who wrote the  
 24 document.  
 25 Q Okay. So just so my -- I asked a

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1 bad question before, so let me ask a better one.  
 2 Do you know if the Committee on  
 3 Students ever reviewed the actions of the student who  
 4 wrote this document?  
 5 MS. QUAN: Objection.  
 6 A I don't believe that the  
 7 Committee on Students ever reviewed anything related  
 8 to this document.  
 9 Q Now, the three documents I gave  
 10 you, would they have a negative effect on John Noakes?  
 11 MS. QUAN: Objection.  
 12 A Yes.  
 13 Q Would you consider that to be  
 14 disrespectful of his emotions?  
 15 A Yes.  
 16 MS. QUAN: Objection. Sorry.  
 17 A Sorry. Yes.  
 18 MS. QUAN: Just let me object.  
 19 THE WITNESS: Okay. Sorry.  
 20 A Yes.  
 21 Q Are they likely to interfere with  
 22 his ability to complete his education?  
 23 MS. QUAN: Objection.  
 24 A I don't know that I can answer  
 25 that.

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1 Q Did he ever complain about the  
2 atmosphere at the school interfering with his ability  
3 to complete his education?

4 MS. QUAN: Objection.

5 A He was concerned about the  
6 environment in the class. He didn't specify it as  
7 interfering with his education.

8 Q What were his concerns about the  
9 environment in the class?

10 A I think he was worried about what  
11 it -- We -- We started talking -- We were talking  
12 during the summer and he was worried about going back  
13 into the class and what it was going to be like and he  
14 was trying to gauge whether it felt like the whole  
15 class was against him or whether this was a smaller  
16 group of students, but he was apprehensive about being  
17 in an environment where a lot of students thought he  
18 had done something that he said he didn't do.

19 Q And would this negatively affect  
20 his ability to complete the program?

21 MS. QUAN: Objection.

22 A I think it depends on a lot of  
23 factors including how he handles it.

24 Q So let me show you what we'll mark  
25 as Exhibit 7.

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1 (Plaintiff's Exhibit 7 was marked  
2 for identification.)

3 MS. QUAN: We have been going about  
4 an hour. Maybe after this exhibit could we  
5 maybe take a brief break?

6 MR. ENGEL: Yeah. If you don't  
7 mind I have got two more exhibits to go  
8 through and then we'll be at a really good  
9 time.

10 MS. QUAN: Yeah, that makes sense.

11 MR. ENGEL: If you don't mind.

12 Are you okay, Doctor?

13 THE WITNESS: Yeah, that would be  
14 fine.

15 BY MR. ENGEL:

16 Q Okay. So I want to show you an  
17 email that was sent on June 15th, 2021, from  
18 Molly Simmons to Steven Ricanati with Bates No. 828 at  
19 the bottom. Have you ever seen this document before?

20 A No.

21 Q Who is Molly Simmons?

22 A She's the Administrative person for  
23 Student Affairs.

24 Q And who is Steven Ricanati?

25 A He's the Associate Dean for

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1 Student Affairs.

2 Q Okay. And so she said that -- in  
3 the paragraph here that, "There are several instances  
4 in the class groupme and a few in IQ of students  
5 publicly belittling or humiliating John Noakes." Were  
6 you aware of that occurring?

7 A No.

8 MS. QUAN: Objection. Sorry.

9 THE WITNESS: Sorry.

10 MS. QUAN: No. I'm sorry.

11 A No.

12 Q Are you aware of any situations  
13 where students were openly ignoring him and excluding  
14 him from groups?

15 A No.

16 Q Do you know what, if any, actions  
17 the school took in response to the report described on  
18 Exhibit 7?

19 MS. QUAN: Objection.

20 A No.

21 Q Would the conduct described in  
22 Exhibit 7 be considered unprofessional?

23 MS. QUAN: Objection.

24 A Yes.

25 Q Do you know if any of the students

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1 who engaged in the conduct described in Exhibit 7 were  
2 reviewed by the Professionalism Working Group?

3 MS. QUAN: Objection.

4 A I don't know.

5 Q Do you know if any of the students  
6 described in Exhibit 7 were reviewed by the  
7 Committee on Students for this conduct?

8 MS. QUAN: Objection.

9 A They were not reviewed by the  
10 Committee on Students.

11 Q Do you know why they weren't  
12 reviewed by the Committee on Students?

13 MS. QUAN: Objection.

14 A I don't know.

15 Q Let me show you what we'll mark as  
16 Exhibit 8, another post on Instagram.

17 (Plaintiff's Exhibit 8 was marked  
18 for identification.)

19 BY MR. ENGEL:

20 Q Have you ever seen this document  
21 before?

22 MS. QUAN: Objection.

23 A No.

24 Q And if this were in reference to  
25 the situation between John Noakes and Jane Roe would

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1 this raise any professionalism concerns?  
 2 MS. QUAN: Objection.  
 3 A Well, this is -- it looks like a  
 4 standard mnemonic about intimate partner violence, so  
 5 it's a standard mnemonic, I guess.  
 6 Q So if this were presented in  
 7 respect to the conduct of the students during the  
 8 Title IX process would that raise any professionalism  
 9 concerns?  
 10 MS. QUAN: Objection. And, Josh, I  
 11 think I just realized -- Is this a two-page  
 12 document?  
 13 MR. ENGEL: It is.  
 14 MS. QUAN: Can we see the second?  
 15 A Okay.  
 16 Q The second page is where it came  
 17 from on Instagram.  
 18 A I'm sorry. What's the question?  
 19 MR. ENGEL: Pam, could you repeat  
 20 the question, please?  
 21 (Question on Lines 6 through 9 as  
 22 read back by the reporter.)  
 23 MS. QUAN: Objection.  
 24 A This is a standard document. I --  
 25 I don't know that I can say that.

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1 Q Okay. And if it were in -- in  
 2 reference to John Noakes or Jane Roe would it be  
 3 considered inflammatory or accusatory?  
 4 MS. QUAN: Objection.  
 5 A I can't answer that. I don't know.  
 6 Q Could it be considered an attempt  
 7 to bully or intimidate someone involved in that  
 8 process?  
 9 MS. QUAN: Objection.  
 10 A I -- I can't answer that. I don't  
 11 know.  
 12 Q Do you know if the person who  
 13 authored this document was ever reviewed by the  
 14 Professionalism Working Group?  
 15 MS. QUAN: Objection.  
 16 A I don't even know what this is.  
 17 Q Do you know if the person who  
 18 created this post was ever reviewed by the  
 19 Committee on Students?  
 20 MS. QUAN: Objection.  
 21 A It was not reviewed by the  
 22 Committee on Students.  
 23 MR. ENGEL: All right. Well, now  
 24 we have got a good time if you don't mind --  
 25 Amanda, if you're okay we'll take a break.

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1 MS. QUAN: Yeah, that's okay. How  
 2 long?  
 3 MR. ENGEL: Yeah, off the record.  
 4 (Deposition stood in recess at  
 5 1:12 p.m.)  
 6 (Deposition reconvened at  
 7 1:24 p.m.)  
 8 MR. ENGEL: All right. Let's go  
 9 back on the record then.  
 10 BY MR. ENGEL:  
 11 Q Doctor, when did you first learn  
 12 about the GroupMe post by John Noakes?  
 13 A It was mid April. I don't know the  
 14 exact date.  
 15 Q And how soon after the post did you  
 16 learn about it?  
 17 A Pretty soon, that day or the next  
 18 day, I think.  
 19 Q Did you have any discussions right  
 20 after the post with other faculty members?  
 21 A So I think it was right around the  
 22 time that we were transitioning to have me be the  
 23 student's Society Dean.  
 24 Q And so why did you -- why did you  
 25 become the Society Dean for John Noakes?

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1 A Because his Dean was Dr. Ricanati  
 2 and because he had a case against -- that Dr. Ricanati  
 3 was named in it wasn't appropriate for Dr. Ricanati to  
 4 continue to be his Dean.  
 5 Q After -- So -- So it went from  
 6 Dr. Ricanati to you?  
 7 A Yes.  
 8 Q Okay. Are you aware if any of the  
 9 other Society Deans refused to act as the Society Dean  
 10 for John Noakes?  
 11 A I don't know.  
 12 Q In particular are you aware if any  
 13 of the other Deans refused to act as a Society Dean  
 14 for John Noakes because of the accusations by  
 15 Jane Roe?  
 16 MS. QUAN: Objection.  
 17 A No.  
 18 Q So when did you first discuss the  
 19 matter involving the GroupMe post with Dr. Ricanati?  
 20 A I don't remember the exact date.  
 21 Q Did those conversations occur after  
 22 you had become the Society Dean for John Noakes?  
 23 A It was part of the handoff that we  
 24 needed to do from the current Society Dean to me.  
 25 Q Did you have any concern that

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1 Dr. Ricanati was providing you information about  
2 John Noakes after he had been named in a retaliation  
3 complaint?

4 MS. QUAN: Objection.

5 A He was -- Dr. Ricanati was being --  
6 seemed to me to be being very professional in the way  
7 that he was talking about things and I needed to get a  
8 handoff because, you know, the responsibilities of  
9 being a Society Dean include personal, career, and  
10 academic advising and you need to know where things  
11 are at.

12 Q Did Dr. Ricanati express to you any  
13 information about the retaliation complaint against  
14 him?

15 A Only that it existed.

16 Q Did he discuss with you his  
17 concerns about the GroupMe post from John Noakes?

18 MS. QUAN: Objection.

19 A I don't remember. I saw the post  
20 myself and made my own conclusions about it.

21 Q So did you have any substantive  
22 discussions with Dr. Ricanati about the GroupMe post?

23 A We had a discussion about how to  
24 approach it because I had not been involved at all  
25 with the case up until this point. I -- You know, I

1 didn't know John Noakes -- I'm sorry -- the student.  
2 I wouldn't be able to pick him out of a group. You  
3 know, I had not had any conversations with him. I  
4 hadn't really been following what was going on in the  
5 Title IX case, so I -- I needed some handoff and we --  
6 and also Dr. Ricanati understands the policies for  
7 Student Affairs better than I do -- He's been there a  
8 long time -- and so I needed to understand what I  
9 needed to do.

10 Q At the time what was your  
11 understanding of the relationship between Dr. Ricanati  
12 and Jane Roe?

13 MS. QUAN: Objection.

14 A I had no information or  
15 understanding -- you know, no information about that.

16 Q Were you aware when you became  
17 John Noakes' Society Dean that he had complained about  
18 misconduct by Jane Roe to the Title IX Office?

19 A No.

20 Q Were you aware at the time you  
21 became the Society Dean that John Doe [sic] had  
22 complained about retaliation from Jane Roe?

23 A No.

24 Q So I'm going to show you what we'll  
25 mark as Exhibit 9, a summary of the Early Concerns,

1 which is Bates No. 236.

2 (Plaintiff's Exhibit 9 was marked  
3 for identification.)

4 BY MR. ENGEL:

5 Q Have you seen this document before?

6 A Yes.

7 Q Who prepared this document?

8 A I don't remember.

9 Q Did you prepare this document?

10 A No.

11 Q All right. This document appears  
12 to be a summary of the Early Concerns submitted by  
13 other students related to John Noakes -- Is that a  
14 fair description?

15 A That's my understanding.

16 Q Okay. And -- And just so we're  
17 clear of what the professionalism concerns with the  
18 GroupMe post were is -- is John Noakes required to  
19 show remorse towards Jane Roe?

20 MS. QUAN: Objection.

21 A No.

22 Q Is he required to show remorse for  
23 his actions towards Jane Roe?

24 MS. QUAN: Objection.

25 A No.

1 Q Is he prohibited from discussing  
2 the Title IX process publicly?

3 MS. QUAN: Objection.

4 A I don't know.

5 Q Do you know if he's prohibited from  
6 criticizing the Title IX process?

7 MS. QUAN: Objection.

8 A I don't know.

9 Q Are you aware of anything that  
10 prohibits John Noakes from discussing the facts of his  
11 relationship with Jane Roe?

12 A I don't know.

13 Q So you say you don't know. As you  
14 sit here today are you aware of any Case Western  
15 policies or procedures that prohibit John Noakes of  
16 discussing the facts of his relationship with  
17 Jane Roe?

18 A I don't know.

19 Q So I think "I don't know" doesn't  
20 make sense as an answer to my question.

21 A So I guess -- I guess the answer  
22 is --

23 Q It's a yes or no question.

24 A I guess the answer is, no, I -- I  
25 don't know of anything that prohibits him from



1 discussing the relationship.

2 Q And so the same question about the

3 other ones. Are you familiar -- Are you aware of any

4 policy that prohibits him from discussing the Title IX

5 process?

6 MS. QUAN: Objection.

7 A My understanding is that the

8 students involved with the Title IX process are told

9 during the process that they are not supposed to be

10 discussing it.

11 Q Okay. Are you aware of any

12 policies that exist at Case Western that codify that?

13 MS. QUAN: Objection.

14 A No, I'm not aware. I haven't seen

15 it.

16 Q And just so we're clear you said

17 the concerns -- Well, let me ask it a different way.

18 Is it true that students at

19 Case Western are encouraged to feel empathy for all of

20 their classmates?

21 MS. QUAN: Objection.

22 A I would say they are expected to

23 feel empathy for their classmates, yes.

24 Q Well, that would include empathy

25 for classmates who claim to be victims of sexual

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1 assault?

2 A Yes.

3 Q And that would include empathy for

4 someone who claims to have been falsely accused of

5 sexual assault?

6 A Yes.

7 Q And so the lack of empathy in

8 either of those situations would raise professionalism

9 concerns?

10 MS. QUAN: Objection.

11 A I think it depends on how it plays

12 out.

13 Q What does that mean?

14 A How they're expressing a lack of

15 empathy, who they're expressing it to, and whether

16 somebody formally complains about it.

17 Q And do you know if Case Western

18 ever investigated how all of the students who filed

19 Early Concerns knew what the GroupMe post was about?

20 MS. QUAN: Objection.

21 A I'm sorry. Ask the question again.

22 Q Yeah.

23 I mean how -- how would all these

24 31 people know what the GroupMe post was even about?

25 MS. QUAN: Objection.

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1 A Yeah, I don't know.

2 Q Do you know if Case Western ever

3 investigated who told all these 31 people what the

4 GroupMe post was about?

5 MS. QUAN: Objection.

6 A No, I don't know.

7 Q Are there any professionalism

8 concerns -- And I'm sorry if I asked this before -- in

9 calling a classmate a rapist?

10 MS. QUAN: Objection, asked and

11 answered.

12 A I guess it depends on what that

13 person believes, but -- I guess it depends on what

14 that person believes.

15 Q So were there any professionalism

16 concerns if Jane Roe was going around and told -- and

17 told all those 31 people who submitted Early Concerns

18 that John Noakes was a rapist?

19 MS. QUAN: Objection.

20 A I don't know enough about the

21 situation to really be able to answer that. You know,

22 each person in this -- One of the things that I had

23 talked to my student about was that each person

24 involved in this kind of has their own truth and it

25 really depends on her intention and -- and experience.

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1 I can't answer that otherwise.

2 Q When you reviewed Exhibit 9 did you

3 have any concerns that students were using the

4 Early Concern process as an alternative method to

5 overturn what they believed was an incorrect Title IX

6 decision?

7 MS. QUAN: Objection.

8 A I don't know what motivated the

9 students.

10 Q Well, John Noakes' post was on

11 April 15th, 2021; right?

12 A Yes, I believe so.

13 Q Okay. And it looks like other than

14 like 29 of the 31 Early Concerns were submitted over

15 10 days later -- Am I reading that correctly?

16 A That's what I see here as well.

17 Q Do you know why all of a sudden 10

18 days later 29 students decide they want to submit

19 Early Concerns?

20 MS. QUAN: Objection.

21 A No.

22 Q Does the 10-day delay suggest to

23 you that perhaps students weren't as traumatized by

24 John Noakes' post as -- as they claim to be?

25 MS. QUAN: Objection.

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1 A I can't speculate on what they were  
2 thinking or feeling or why their timing was like that.  
3 Q Well, you have to evaluate whether  
4 their concerns were legitimate; right?  
5 MS. QUAN: Objection.  
6 A I think the written content within  
7 the Early Concerns is more important than the date  
8 that they were submitted.  
9 Q In reviewing the early content --  
10 the content of the concerns you had to evaluate the  
11 credibility of that content; right?  
12 MS. QUAN: Objection.  
13 A I -- I've never seen 31  
14 Early Concerns come in on one student for anything  
15 before. In looking through them there were some  
16 themes that came out. The one that we were looking at  
17 was the theme of the GroupMe post.  
18 Q Well, one of the themes that came  
19 out is a number of the students believed that  
20 John Noakes was actually guilty of the sexual assault;  
21 right?  
22 MS. QUAN: Objection.  
23 A Yes.  
24 Q Okay. And they wanted him to face  
25 discipline even though the Title IX process had found

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1 him not responsible?  
2 MS. QUAN: Objection.  
3 A Yes, and my understanding is the  
4 professional schools have the ability to do that to  
5 hold a student to a different standard than Title IX.  
6 Q And so where -- where do I find  
7 that?  
8 A It's in the process of the  
9 Title IX -- in the Title IX process for the -- in the  
10 professional schools. At least it comes -- the  
11 decision comes back to the school to see whether any  
12 rules within the school are broken.  
13 Q If I looked at the school's  
14 Title IX policy I'm going to see that somewhere;  
15 right?  
16 MS. QUAN: Objection.  
17 A I don't know. I haven't read it.  
18 That was just my understanding of it.  
19 Q Okay. Well, let me show you what  
20 we'll mark as Exhibit 10 which is a letter that the  
21 school sent to the Department of Health & Human  
22 Services dated April 16th, 2018. This was filed in  
23 this case as Document No. 1-2.  
24 (Plaintiff's Exhibit 10 was marked  
25 for identification.)

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1 BY MR. ENGEL:  
2 Q Have you ever seen this letter  
3 before?  
4 MS. QUAN: August 16th.  
5 MR. ENGEL: August 16th. I'm  
6 sorry. What did I say? Let me -- Let me  
7 start over.  
8 BY MR. ENGEL:  
9 Q What -- What I have marked as  
10 Exhibit 10 is an August 16, 2018, document or letter  
11 from the Department of Health & Human Services to the  
12 Case Western University. Have you ever seen this  
13 document before?  
14 A No.  
15 Q And in this document it appears  
16 that there's a description of the grievance procedures  
17 and enforcement that the medical school uses for  
18 dealing with Title IX complaints -- Am I reading that  
19 correctly?  
20 A That's what it looks like.  
21 Q Okay. And if I read that correctly  
22 I don't see anywhere in there that it says that after  
23 Title IX is done with the process it will be sent back  
24 to the professional schools. Do you?  
25 MS. QUAN: Objection.

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1 A No.  
2 Q So where will I find codified this  
3 process that the medical school will review Title IX  
4 matters after Title IX is done with it?  
5 MS. QUAN: Objection.  
6 A I don't know.  
7 Q Will I find it in the medical  
8 school's handbook?  
9 MS. QUAN: Objection.  
10 A It's not in the medical student  
11 handbook, I don't think.  
12 Q And you believe it might be in the  
13 Title IX policy for the University?  
14 A I don't know. It was just my  
15 understanding.  
16 Q Okay. Does the  
17 Professional Working Group take minutes?  
18 A I don't know.  
19 Q So if -- if, for example, the  
20 Professional Working Group reviewed one of the  
21 documents we reviewed earlier would there be some  
22 minutes or something else indicating that review?  
23 A I don't know. I have never been to  
24 one of their meetings.  
25 Q The same as it appears that in this

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1 letter it describes between 2014 to 2017 three  
 2 Title IX complaints filed by students against other  
 3 students -- Where -- Where would I find documents  
 4 showing that the medical school actually conducted its  
 5 own independent review of those matters?  
 6 A I don't know.  
 7 Q Do you know if any such documents  
 8 exist?  
 9 A I don't know.  
 10 Q Do you know if the medical school  
 11 reviewed the three Title IX complaints described in  
 12 this letter from HHS?  
 13 A I'm trying to remember, but not  
 14 that I recall.  
 15 Q All right. Do you recall any other  
 16 Title IX matters that the medical school independently  
 17 reviewed?  
 18 A No.  
 19 Q So getting back to the  
 20 Early Concerns I think you said that you have never  
 21 before had 31 students submit Early Concerns against  
 22 another student?  
 23 A Yes.  
 24 Q Did that raise any concerns to you  
 25 that perhaps this was a coordinated activity?

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1 MS. QUAN: Objection.  
 2 A It raised concerns to me that  
 3 emotions were running very high and that the classes  
 4 may be very polarized.  
 5 Q Did you ever consider that the  
 6 Early Concern process was being used to bully and  
 7 intimidate John Noakes?  
 8 MS. QUAN: Objection.  
 9 A No.  
 10 Q And you didn't even though a number  
 11 of the Early Concerns expressed of you that  
 12 John Noakes was guilty of sexual assault?  
 13 MS. QUAN: Objection.  
 14 A When I was reading them I kind of  
 15 put that to the side because that wasn't what we were  
 16 evaluating at the time.  
 17 Q Looking back at it does it raise to  
 18 you concern the fact that there's a 10-day delay,  
 19 there's an extreme number of -- unprecedented number  
 20 of people and a 10-day delay that perhaps the  
 21 Early Concern process was being used to bully and  
 22 intimidate John Noakes?  
 23 MS. QUAN: Objection.  
 24 A No, that's not the way that I see  
 25 it.

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1 Q Okay. Why don't you see it that  
 2 way?  
 3 A Because I think emotions were very  
 4 heightened and people were expressing their distress  
 5 and --  
 6 Q So do you believe -- Oh, I'm sorry.  
 7 I don't want to cut you off.  
 8 A No, that's okay. I'm done.  
 9 Q Finish your answer. I'm sorry.  
 10 It's hard with Zoom sometimes and my apologies.  
 11 A No, I think I'm done.  
 12 Q Is it your belief that all 31  
 13 people who submitted Early Concerns did so  
 14 independently?  
 15 MS. QUAN: Objection.  
 16 A I don't know.  
 17 Q Is it your belief that it's just a  
 18 coincidence that between 5:28 p.m. on April 25th and  
 19 10:57 p.m. on April 26th that 26 people independently  
 20 submitted Early Concerns about John Noakes?  
 21 MS. QUAN: Objection.  
 22 A I would be speculating. I don't  
 23 know. I mean it sounds like there was communication  
 24 between them, but I don't know the situation. I  
 25 wasn't there.

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1 Q I mean I'm asking you. I mean is  
 2 it your belief as you sit here today that this is all  
 3 just a coincidence?  
 4 MS. QUAN: Objection, asked and  
 5 answered.  
 6 A No, I don't think it's a  
 7 coincidence.  
 8 Q Okay. If it were the case that a  
 9 number of students coordinated an effort to submit  
 10 Early Concerns about John Noakes 10 days after the  
 11 alleged post would that create any professionalism  
 12 concerns for you?  
 13 MS. QUAN: Objection.  
 14 A No.  
 15 Q Do you know what happened around  
 16 April 25th that all of a sudden made 29 additional  
 17 students submit Early Concerns?  
 18 A No.  
 19 Q Do you know if anyone at  
 20 Case Western promised these students that the school  
 21 would take action if a number of Early Concerns were  
 22 submitted?  
 23 MS. QUAN: Objection.  
 24 A No.  
 25 Q Do you know if anyone at

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1 Case Western ever implied that the school would  
 2 address the situation about John Noakes?  
 3 MS. QUAN: Objection.  
 4 A I don't know what you mean by "the  
 5 situation about John Noakes".  
 6 Q The fact that John Noakes had been  
 7 found not responsible for sexual misconduct.  
 8 MS. QUAN: Objection.  
 9 A I don't understand your question.  
 10 I'm sorry.  
 11 Q Do you know if anyone at  
 12 Case Western ever made promises to students that the  
 13 school would discipline John Noakes despite the fact  
 14 that he was found not responsible through the Title IX  
 15 process?  
 16 A You mean --  
 17 MS. QUAN: Objection.  
 18 A You mean discipline him related to  
 19 the Title IX outcome?  
 20 Q Yeah.  
 21 A No.  
 22 Q In other words, did anyone ever  
 23 say, "We know that Title IX got it wrong and we're  
 24 going to do something about it"?  
 25 A No.

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1 Q Do you know specifically if  
 2 Dr. Ricanati ever told Jane Roe that that would  
 3 happen?  
 4 MS. QUAN: Objection.  
 5 A I never heard that.  
 6 Q And just so we're clear you  
 7 consulted with Dr. Ricanati about what to say to  
 8 John Noakes even after John Noakes had filed a  
 9 retaliation complaint against him; right?  
 10 MS. QUAN: Objection.  
 11 A That was part of the handoff for  
 12 becoming his Dean, yes.  
 13 Q Okay. In fact, isn't it true that  
 14 he wrote the first draft of an email that you were  
 15 going to send to John Noakes about this matter?  
 16 A Yes, and then I edited it.  
 17 Q So do you believe it was  
 18 appropriate to have John -- I'm sorry -- Dr. Ricanati  
 19 writing a first draft of a memo about an issue of  
 20 which John Noakes had complained against him for  
 21 retaliation?  
 22 MS. QUAN: Objection.  
 23 A I needed to understand the  
 24 situation and what needed to be communicated in this  
 25 first communication because this was already going

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1 through a process and my job because there had been  
 2 complaints was to get the student's perspective and I  
 3 was trying to understand enough about what happened  
 4 and what my role needed to be in order to do my job  
 5 and that required a handoff.  
 6 Q So did that handoff mean that  
 7 Dr. Ricanati would actually write your emails for you?  
 8 MS. QUAN: Objection.  
 9 A He does not write my emails for me.  
 10 He wrote the basis of the email that explained to me  
 11 what I needed to understand and -- and then I edited  
 12 it to make sure that I was expressing myself in the  
 13 way that I would normally express myself.  
 14 (Plaintiff's Exhibit 11 was  
 15 mismarked in this depo but actually  
 16 is what is marked Exhibit 18.)  
 17 BY MR. ENGEL:  
 18 Q So we have marked as Exhibit 11 an  
 19 April 21st email between you and Dr. Ricanati. Is  
 20 that the handoff you're referring to?  
 21 A Yes.  
 22 Q And this is, by the way -- Okay. And  
 23 this, by the way, begins on Bates -- Bates No. 871.  
 24 MS. QUAN: I'm sorry. Make sure  
 25 that Josh has put a document in front of you  
 just to make sure that you know the whole

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1 thing.  
 2 A Yes, if you could show me the -- if  
 3 you could show me all the way.  
 4 Q Yeah. So let me -- let me first  
 5 begin with it looks like on April 21st at 11:34 a.m.  
 6 Dr. Ricanati sent an email to you with the subject,  
 7 "Draft email to John Noakes" -- Do you remember  
 8 receiving that email?  
 9 A Yeah, yes.  
 10 Q Okay. And this was a description  
 11 from Dr. Ricanati about what you should say to  
 12 John Noakes about the GroupMe post; right?  
 13 MS. QUAN: Objection.  
 14 A Yes.  
 15 Q You were aware when you received  
 16 this email that John Noakes had filed a retaliation  
 17 complaint against Dr. Ricanati?  
 18 A I was aware that Dr. Ricanati was  
 19 named in something that the student filed. I didn't  
 20 really know the details of it at all.  
 21 Q What did you do to learn about the  
 22 details?  
 23 A I did not want to know about the  
 24 details. I wanted to be able to be a good Dean for  
 25 this student without bringing in a lot of baggage.

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1 Q And you thought it was appropriate  
2 to consult with Dr. Ricanati about this matter despite  
3 the fact you didn't know exactly what John Noakes'  
4 complaints about Dr. Ricanati were?

5 MS. QUAN: Objection.

6 A Dr. Ricanati in every interaction  
7 that I had with him related to this was totally  
8 professional. He was not disparaging of the student.  
9 He was doing his job and he was communicating with me  
10 in a way that was totally professional as a handoff  
11 and I needed to understand the situation.

12 The normal way that we would handle  
13 this is that we would call the student in for a  
14 meeting, but we were not sure the student would be  
15 willing to meet with me, so we were trying to give him  
16 the option of doing this by email.

17 Q Okay. Did you eventually speak  
18 with John Noakes about the GroupMe post?

19 A Yes.

20 Q Tell me everything you remember  
21 about that -- Well, when did that conversation take  
22 place first?

23 A I don't remember exactly. Sorry.

24 Q Okay. Was it about May 6th? Does  
25 that sound about right?

1 A It could have been.

2 Q Tell me everything you remember  
3 about that conversation?

4 A So my recollection was this was  
5 basically kind of the first conversation that I had  
6 with him. We had a Zoom meeting scheduled and he came  
7 on to the Zoom and told me that his lawyer was coming  
8 onto the Zoom as well. I was under the -- I wasn't  
9 sure whether it was policy not to have other people in  
10 advising meetings, including lawyers, so I wasn't sure  
11 what to do because I had never had a meeting with a  
12 student where a lawyer was present before, so I texted  
13 Dr. Ricanati who understands our rules and said, "Is  
14 it" -- and asked him, "Is it policy that I -- that he  
15 cannot have a lawyer in this conversation or is it up  
16 to me basically," and Steve texted back that it was up  
17 to me, so I felt that it might make the student feel  
18 safer to have the lawyer there and to start the  
19 conversation in that way, so that's my recollection of  
20 the first conversation I had with him which I think  
21 was related to the GroupMe post.

22 Q So that -- So that lawyer was  
23 Ms. Tamashasky?

24 A Anne?

25 Q Yes.

1 A Yes.

2 Q Okay. And part of our -- our test  
3 is you have to spell Tamashasky. Anne will like that.  
4 Was that a respectful conversation?

5 A Yes.

6 Q Okay. Did Ms. Tamashasky raise her  
7 voice at any point?

8 A No. She didn't say very much.

9 Q And before you -- If I heard you  
10 right before this conversation you consulted again  
11 with Dr. Ricanati about what to do about something  
12 involving John Noakes?

13 A He's the one who understands the  
14 rules for the Student Affairs Deans. I don't have  
15 anybody else to ask a quick question like that.

16 Q Okay. So that's a yes, you  
17 involved Dr. Ricanati again?

18 A Yes, I asked Dr. Ricanati.

19 Q And at the time you asked  
20 Dr. Ricanati you were aware that John Noakes had filed  
21 a retaliation claim against him?

22 A Again I knew there was some kind of  
23 complaint that he was named in. I didn't really know  
24 the details of it. I didn't want to know.

25 Q Okay. So that's a yes again?

1 A Well, it's a yes that I knew there  
2 was some kind of complaint filed against him.

3 Q So did you discuss -- Tell me what  
4 else you discussed about the GroupMe post?

5 A So I was trying to -- My -- My  
6 recollection is that I tried to get a sense of where  
7 the student was emotionally at the first part of the  
8 conversation, try to find out what he -- what was  
9 behind posting this, like why he chose to do it and to  
10 do it that way and what the 1-0 meant. You know, I --  
11 I -- I don't know for sure what happened. I mean we  
12 have had -- I have had many conversations with him and  
13 I can't tell you for sure I know what happened in each  
14 individual conversation, so this is my best  
15 recollection, but I don't know which parts of this  
16 conversation happened that day and which parts  
17 happened on other days.

18 But we -- I tried to get a sense  
19 from him of what was behind it. He was talking a lot  
20 of religious things -- religious things that he was  
21 going through. He said that he used to -- I don't --  
22 Again I don't remember whether it was this  
23 conversation or a different conversation where he said  
24 he used to be an atheist and he had all these books  
25 that -- philosophy books that he had read and that

1 since he had gone through this process that he had  
2 become more religious, and he was talking -- he was  
3 like so he just wanted to kind of celebrate his  
4 finding of religion and that that's what the first  
5 part of the GroupMe post was about.

6 He never really explained to me  
7 what the 1-0 was. Towards the end of the  
8 conversation, you know, he was very -- I -- I don't  
9 think he wanted to really -- I don't think he felt --  
10 he didn't trust me or he didn't seem like he trusted  
11 me and didn't really answer a lot of questions  
12 directly when I asked him directly what he was  
13 thinking or -- At the end of the conversation Anne  
14 said to him, "I think she's really trying to help  
15 you," and I think she was trying to encourage him to  
16 talk to me about what he was experiencing.

17 Q Did he express to you concerns that  
18 he was being bullied and harassed by his classmates?

19 A No, he didn't put it that way.

20 Q How did he put it?

21 A At that time it wasn't really -- it  
22 was really we were focusing more on the GroupMe post  
23 and -- and the kind of response that it got and we  
24 weren't talking about anything else that was going on  
25 in the class that I recall.

1 Q At that point did you advise him  
2 that he should not pursue his retaliation complaints  
3 against Dr. Ricanati and Dr. Parker?

4 MS. QUAN: Objection.

5 A Not that I recall.

6 Q Okay. Do you recall during that  
7 conversation telling him he should not pursue his  
8 Title IX complaint against Jane Roe?

9 MS. QUAN: Objection.

10 A I didn't know that he had Title IX  
11 complaints against Jane Roe.

12 Q Did you give him advice that he  
13 should take a year off?

14 A I don't remember. I did at some  
15 point, but I don't remember. I don't think it was  
16 that -- It definitely wasn't at that meeting.

17 Q Well let me show you what we'll  
18 mark as Exhibit 12 which is some text messages on  
19 May 6th.

20 (Plaintiff's Exhibit 12 was marked  
21 for identification.)

22 BY MR. ENGEL:

23 Q Okay. So this appears to be a text  
24 message sent -- It's got Bates No. -- I'm sorry. If I  
25 can read it maybe 3247 at the bottom. I believe it's

1 text messages provided by Dr. Ricanati.

2 Do you remember texting  
3 Dr. Ricanati around the time of the meeting with  
4 John Noakes on May 6th?

5 A Yes.

6 Q And I think you described that you  
7 were texting him to get advice of what to do with the  
8 lawyer on there?

9 A Yes.

10 Q You also indicated at the bottom,  
11 "He is getting terrible advice." What do you mean by  
12 that?

13 A I felt like having a lawyer at this  
14 meeting was kind of making it different than a regular  
15 advising meeting and, you know, I just wanted to be  
16 able to be his advisor and have conversations with him  
17 and I felt like it was sort of doing something to the  
18 quality of our relationship that was not -- it was --  
19 it was not ideal for having a good working  
20 relationship together.

21 Q So any particular advice you  
22 believe he was getting that was bad advice?

23 A No. I think that had more to do  
24 with just having lawyers at meetings that should be  
25 less formal.

1 Q Now, shortly after this  
2 conversation with John Noakes this matter was  
3 presented to the Professionalism Working Group?

4 A Is that a question? I'm sorry.

5 Q Yeah, it's a question.

6 A I didn't understand the question.

7 Q Oh, yeah. It seemed like if I read  
8 the timeline correctly John Noakes' matter was  
9 presented to the Professionalism Working Group on or  
10 about May 25th of this year?

11 A Yeah, I don't know -- I don't know  
12 when they took it up.

13 Q Okay. Well, let me show you some  
14 text messages it looks like between -- which I'll mark  
15 as Exhibit 13 -- messages from a Jill and it appears  
16 these are from your phone with Bates No. -- starting  
17 at 633.

18 (Plaintiff's Exhibit 13 was marked  
19 for identification.)

20 BY MR. ENGEL:

21 Q Who's Jill?

22 A Jill Azok is one of the other  
23 Society Deans.

24 Q And so the first thing that you  
25 wrote to Jill was, "Tony said if something came badly

1 out of this, he was going to start a movement to  
2 defund the committee on students." What does that  
3 mean.

4 A Tony is my husband and this was  
5 about a different case. This was not -- See how she  
6 says, "for your other student"? This was about  
7 something unrelated to this case and I was being  
8 silly.

9 Q Okay. And then it looks like Jill  
10 said, "Professional Working Group did not go well for  
11 your other student," and it refers to John Noakes;  
12 right?

13 A Yes.

14 Q Okay. So do you know what happened  
15 at that meeting?

16 A No. I mean she told me -- I  
17 learned eventually what happened, but I don't remember  
18 specifically. I think just that it was getting  
19 referred to the Committee on Students.

20 Q Okay. What -- What do you -- What  
21 were you told happened at that meeting?

22 A I don't remember honestly.

23 Q But I understand a result of that  
24 meeting was that he was required to undergo coaching?

25 A No. I am trying to -- You know,

1 there have been so many different meetings and I don't  
2 know specifically which one this is referring to.

3 Q Okay. Let me cut to the chase  
4 on -- on part of this then and make it easier.

5 At some point John Noakes was  
6 required to undergo something called coaching related  
7 to his GroupMe post; right?

8 A Correct.

9 Q Okay. What -- What is coaching?

10 A Our approach to professionalism is  
11 not a punitive approach, so when there's a  
12 professionalism concern the approach we take is to  
13 assign a coach who can help the student to gain  
14 insight and to improve in their professionalism rather  
15 than using a punitive model.

16 Q Now, you say not a punitive model,  
17 but the student is told that they could face  
18 discipline up to and including dismissal from the  
19 medical school; right?

20 MS. QUAN: Objection.

21 A That's true when it goes to  
22 Committee on Students. The coaching part of it is  
23 done through Professionalism Working Group.

24 Q Okay. So what was the purpose of  
25 the coaching assigned to John Noakes?

1 A The purpose was for him to gain  
2 more insight into other people's emotions and to gain  
3 empathy.

4 Q As part of the coaching was he  
5 required to acknowledge that he did something wrong in  
6 regards to Jane Roe?

7 MS. QUAN: Objection.

8 A You mean in terms of the Title IX  
9 accusation?

10 Q In terms of anything.

11 A First off I don't know the answer  
12 to what the coaching was going to require.

13 Q So -- Okay. Was he told as part of  
14 his coaching that he was required to show greater  
15 empathy to his accuser?

16 A I don't know the --

17 MS. QUAN: Objection.

18 THE WITNESS: Okay. Sorry.

19 A I don't know the content of the  
20 coaching.

21 Q Do you know if he was required to  
22 refrain or told he should refrain from criticizing the  
23 Case Western Title IX process?

24 MS. QUAN: Objection.

25 A I -- No, I don't know that.

1 Q Do you know if part of his coaching  
2 he was told he should refrain from commenting on how  
3 his case was handled?

4 MS. QUAN: Objection.

5 A No, I don't know.

6 Q Do you know if anyone ever told  
7 John Noakes that they were sorry for what happened to  
8 him?

9 MS. QUAN: Objection.

10 A I don't -- I don't know the answer  
11 to that. When I was meeting with him I told him I was  
12 sorry that he had gone through such a difficult  
13 experience, but I don't know if that's what you're  
14 asking.

15 Q Do you know if anyone else  
16 expressed those opinions to him?

17 A I don't know.

18 MS. QUAN: Objection. Sorry.

19 A I don't know.

20 MS. QUAN: I'm sorry.

21 THE WITNESS: Okay. I'll try to  
22 take a breath.

23 BY MR. ENGEL:

24 Q Around this time, May 25th of 2020,  
25 was any pressure being put on Case Western to

1 discipline John Noakes?  
2 MS. QUAN: Objection.  
3 A I don't know.  
4 Q And in particular was any pressure  
5 being placed on Case Western to discipline  
6 John Noakes -- on the medical school to discipline  
7 John Noakes for sexually assaulting Jane Roe?  
8 MS. QUAN: Objection.  
9 A Not that I know of.  
10 Q And in particular did you -- was  
11 Jane Roe pressuring the medical school to discipline  
12 John Noakes for sexually assaulting her?  
13 MS. QUAN: Objection.  
14 A I don't know.  
15 Q Well, let me show you what we'll  
16 mark as Exhibit 14 which is a May 25th email from  
17 Jane Roe to you and some others. We have Bates No.  
18 842 on that document.  
19 (Plaintiff's Exhibit 14 was marked  
20 for identification.)  
21 BY MR. ENGEL:  
22 Q Do you remember receiving this  
23 email?  
24 A Yes.  
25 Q And this email appears to address

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1 allegations that John Noakes sexually assaulted her;  
2 right?  
3 A At the time I believe I didn't read  
4 it.  
5 Q Why didn't you read it?  
6 A Because I'm trying to stay very  
7 neutral and to support the student, my student, and I  
8 was trying to stay out of the back and forth he  
9 said/she said aspects of it.  
10 Q Do you know if other people read  
11 this email?  
12 A I don't know.  
13 Q Okay. Do you know if other people  
14 responded to this email?  
15 A My understanding is someone  
16 responded, but I don't remember who responded.  
17 Q But it appears this email appears  
18 at the exact same day that John Noakes is being  
19 reviewed by the Professionalism Working Group; is that  
20 right?  
21 A I don't --  
22 MS. QUAN: Objection.  
23 A I don't know.  
24 Q Do you know if that was a  
25 coincidence?

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1 MS. QUAN: Objection.  
2 A I don't even know that it was the  
3 same date. I don't know.  
4 Q Well, if we look at the date of  
5 this email it appears to be May 25th; right?  
6 A Yes, I see that.  
7 Q And if we look at your email with  
8 Dr. Azok, A-z-o-k; is that right?  
9 A Yes.  
10 Q -- Dr. Azok that appears to be  
11 May 25th?  
12 A Yes.  
13 Q So do you know what caused Jane Roe  
14 on May 25th decide she's going to send an email to  
15 various people at the medical school asking that  
16 John Noakes be disciplined for sexually assaulting  
17 her?  
18 MS. QUAN: Objection.  
19 A I really was staying out of this.  
20 I'm not sure I can answer that.  
21 Q Well, you say you're staying out of  
22 it. Do you have a role to play to protect John Noakes  
23 from harassment and intimidation from other students?  
24 MS. QUAN: Objection.  
25 A I don't know that as his Dean I

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1 have the power to do that other than to advise him.  
2 Q What happened with -- So  
3 John Noakes eventually is sent before the Committee on  
4 Students; right?  
5 A Yes.  
6 Q Do you know when that occurred?  
7 A No, I would have to go back in my  
8 records.  
9 Q Okay. Were you present for that  
10 meeting?  
11 A Yes.  
12 Q Tell me everything you remember  
13 from that meeting?  
14 A So the first time that he was  
15 presented it was around the Group -- it was about the  
16 GroupMe post. At that meeting the Society Dean  
17 generally presents the student's information initially  
18 so you present their academic record and what your  
19 understanding is of why the student is being presented  
20 and then you -- so I did that. I showed the GroupMe  
21 post.  
22 Normally the Early Concern is  
23 shared. Because there were so many I believe that  
24 they were themed out so that just a couple of themes  
25 were showing rather than going through all 31 of them.

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1 And then he was allowed to submit a reflection about  
2 his perceptions and so his reflection was also shown  
3 at the Committee on Students' meeting.

4 Then at that point the Committee  
5 discusses the situation and makes a decision of  
6 whether they need to interview the student or not, and  
7 I totally don't remember whether he was brought into  
8 that meeting or not.

9 Q What was the result of that  
10 meeting?

11 A The result of that meeting is that  
12 they wanted him to get coaching around empathy and to  
13 better -- so that he would have some insight into why  
14 that GroupMe post was so inflammatory, and then it  
15 would come back and be represented at Committee on  
16 Students after the coaching for some follow-up.

17 Q Did that occur?

18 A When we had the next meeting I  
19 think there was a disconnect between what the  
20 Committee on Students expected and what the coaches  
21 had done because the -- It took a while for them to be  
22 able to find people who were willing to be coaches for  
23 him, and then when we found the pair of coaches that  
24 was going to work there was a little bit of a delay,  
25 so I don't think they had met very many times when it

1 came back to Committee on Students.  
2 The -- What the Committee on  
3 Students wanted to know was did he show more insight  
4 into why the GroupMe post was so ill-advised and I  
5 think the coaches were presenting more about the  
6 progress that they were trying -- were seeing  
7 related -- or not seeing or seeing related to empathy,  
8 but the Committee on Students really wanted more  
9 specifically did he understand why the -- the GroupMe  
10 post was -- was not a good idea, and so the  
11 Committee on Students wasn't satisfied with the report  
12 because they then wanted to hear another follow-up  
13 later.

14 Q Does the Committee on Students keep  
15 minutes?

16 A Yes.

17 Q So there would be minutes  
18 describing the conversations about John Noakes that  
19 you just described?

20 A The minutes are brief and I believe  
21 they are protected.

22 Q They exist; right?

23 A That's my understanding -- Yes,  
24 they exist.

25 Q Okay. They're protected by FERPA?

1 A I'm not sure what they're protected  
2 by.

3 Q So you're not aware of any -- any  
4 -- Well, tell me why you believe they're protected?

5 A I have just been told that the  
6 Committee on Students' meetings are not  
7 discoverable -- That's all -- except for the  
8 resolutions.

9 Q Is there a lawyer present for those  
10 meetings?

11 A No.

12 Q Now, around August of 2021 are you  
13 aware of any pressure that was being placed on  
14 Case Western Medical School to discipline John Noakes  
15 to show that the school was taking allegations of  
16 sexual assault seriously?

17 MS. QUAN: Objection.

18 A No.

19 Q So were you aware, for example, if  
20 Dr. Ricanati had received emails from students  
21 complaining that John Noakes had not faced sufficient  
22 discipline for his sexual assault of Jane Roe?

23 MS. QUAN: Objection.

24 A No, not that I recall.

25 Q Do you know if the -- Is -- Is

1 Dr. Ricanati part of the Committee on Students?

2 A All the Society Deans attend the  
3 Committee on Students' meetings, but we are not voting  
4 members.

5 Q Okay. Did Dr. Ricanati attend the  
6 meeting discussing John Noakes?

7 A I don't remember.

8 Q Do you remember if he participated  
9 in that meeting at all?

10 A I don't remember.

11 Q Why was it difficult to find people  
12 who were willing to serve as his coaches?

13 A I think -- I -- I don't know for  
14 sure. My understanding was that when the -- Usually  
15 members of the Professionalism Working Group serve as  
16 coaches and the person who would most likely serve as  
17 a coach in this situation said that he was -- I think  
18 he was having too strong a reaction to the GroupMe  
19 post and felt that he couldn't coach him  
20 non-judgmentally. That's my understanding, but  
21 that -- I -- I don't know the details of those  
22 conversations.

23 Q During the summer of this year did  
24 you receive a phone call from anyone who was concerned  
25 about John Noakes' well-being?

1 A I received an email.  
 2 Q Okay. And who was that email from?  
 3 A Someone named Michelle.  
 4 Q And so I am going to show you what  
 5 we'll mark as Exhibit 15, an August 23rd email.  
 6 (Plaintiff's Exhibit 15 was marked  
 7 for identification.)  
 8 BY MR. ENGEL:  
 9 Q This is an August 23rd email from a  
 10 person identified as Michelle M. to you with Bates No.  
 11 491. Is that the email you're referring to?  
 12 A Yes.  
 13 Q Okay. What did you do in response  
 14 to this email?  
 15 A I can't remember whether I emailed  
 16 back or called her, but I ended up having a phone  
 17 conversation with her.  
 18 Q Tell me what you remember about  
 19 that phone conversation?  
 20 A I told her right off the bat I was  
 21 not going to give her any information. I asked her  
 22 why she was contacting me and she said that she was --  
 23 I think she described it as a family friend of the  
 24 student and that she was worried about him and felt he  
 25 didn't have anybody supporting him at the school and

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1 wanted to make sure that I was aware that she was  
 2 worried about him, and I took the call because I was  
 3 concerned that this might mean that he was suicidal  
 4 and I didn't want to ignore that, so that was  
 5 primarily what I was trying to sort out in the  
 6 conversation was did -- was she concerned that he was  
 7 suicidal, was there anything that he had said to her  
 8 that she was perceiving that made her think he was  
 9 acutely suicidal.  
 10 Q Did you do anything else in  
 11 response to that email?  
 12 A Not that I recall.  
 13 Q Just so I'm closing the loop on  
 14 something else I'll show you what is an August 15,  
 15 2021, letter to John Noakes with Bates No. 497 at the  
 16 bottom that says "Notice Of Referral To The Committee  
 17 On Students".  
 18 (Plaintiff's Exhibit 16 was marked  
 19 for identification.)  
 20 BY MR. ENGEL:  
 21 Q Are you familiar with this  
 22 document?  
 23 A Yes.  
 24 Q Okay. And is this the document  
 25 describing the Committee on Students for John Noakes?

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1 A This looks like it was for the  
 2 second meeting.  
 3 Q Okay. And it indicates that the  
 4 Committee on Students can impose sanctions up to but  
 5 including dismissal from the school?  
 6 A This is a form letter that we sent  
 7 for every student that's meeting with the Committee on  
 8 Students, yes.  
 9 Q Okay. And -- But it describes the  
 10 power of the Committee on Students; right?  
 11 A Yes.  
 12 Q Okay. And so the ability to  
 13 require the student to repeat a class or take a leave  
 14 of absence or be dismissed from the school, that's a  
 15 bad thing for the student; right?  
 16 MS. QUAN: Objection.  
 17 A There -- There are potential  
 18 outcomes from Committee on Students that the student  
 19 would perceive as a bad outcome, yes.  
 20 Q Reasonably perceived; right? No  
 21 one wants to be kicked out of school, for example?  
 22 A Correct.  
 23 MS. QUAN: Josh, we have been going  
 24 for another hour, not to interrupt the flow,  
 25 but whenever you think it's possible we can

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1 take a break.  
 2 MR. ENGEL: Yeah, let's -- Why  
 3 don't we take a break now. That's fine.  
 4 MS. QUAN: I didn't --  
 5 MR. ENGEL: Let's take another 10  
 6 minutes and then we'll come back and see what  
 7 we can do about making this the last break.  
 8 MS. QUAN: I honestly wasn't trying  
 9 to make you stop if it's not a good time.  
 10 MR. ENGEL: No, no. I mean we're  
 11 here just on limited discovery for  
 12 preliminary injunction, so, you know, there's  
 13 no reason to take longer than we need to, so  
 14 let me -- I'm not going to promise, but I  
 15 will try to -- try to get it done after this  
 16 break. Let's see what we can do.  
 17 MS. QUAN: All right.  
 18 MR. ENGEL: Off the record.  
 19 (Deposition stood in recess at  
 20 2:23 p.m.)  
 21 (Deposition reconvened at  
 22 2:37 p.m.)  
 23 MR. ENGEL: Back on the record.  
 24 BY MR. ENGEL:  
 25 Q So when we left we were talking

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1 about the Committee on Students and I just want to  
2 make sure I understand. What is the difference  
3 between the Professional Working Group and the  
4 Committee on Students?

5 A The Professionalism Working Group  
6 hears the -- all the professionalism complaints that  
7 come in which usually come in in the form of an  
8 Early Concern and they kind of triage them. If it's  
9 something that can just be handled with coaching they  
10 make a -- And that's the most common thing that ends  
11 up coming up -- then they make the decision just to go  
12 to coaching.

13 If it's something that they think  
14 that the Committee on Students which is the body that  
15 is the disciplinary body and also the body that  
16 decides who gets to progress to the next year in med  
17 school and who gets to graduate -- that if they feel  
18 that it needs to be looked at by the Committee on  
19 Students because either it's clearly kind of egregious  
20 or it's just something where it's a little out of the  
21 normal then they normally will send it on to the  
22 Committee on Students.

23 Q Do you know why John Noakes' matter  
24 was escalated to the Committee on Students?

25 A I think initially it was -- I think

1 initially it was felt to be so unusual that they  
2 weren't sure what to make of it and also when they  
3 looked to their group for coaches they could not  
4 identify any coaches and so they were concerned that  
5 they were going to need some more direction from the  
6 Committee on Students in order to figure out how to  
7 move forward.

8 Q Do you know if the Committee on  
9 Students or the Professional Working Group reviewed a  
10 Title IX investigation for John Noakes?

11 A I would think they would not, but I  
12 don't -- No, I mean the Committee on Students  
13 definitely did not. That didn't come up.

14 Q Okay. Do you know if the  
15 Professional Working Group did?

16 A I don't know. I don't go to those  
17 meetings.

18 Q Okay. But, you know, as a  
19 Society Dean might you become aware of it if they did?

20 MS. QUAN: Objection.

21 A Yeah, I might. I don't know.

22 Q Are there other ways that  
23 professionalism concerns can be brought to the  
24 Professionalism Working Group besides the filing of an  
25 Early Concern?

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1 MS. QUAN: Objection.

2 A Not that I know of. I think that's  
3 how all the concerns get there.

4 Q Now, if the Committee on Students  
5 issues sanctions against or discipline against a  
6 student does that become part of a student's permanent  
7 record?

8 MS. QUAN: Objection.

9 A It depends on what the sanction is.

10 Q So it could?

11 A Yes, it can.

12 Q Okay. And could the discipline  
13 imposed by the Committee on Students make it harder  
14 for a student to obtain a residency?

15 MS. QUAN: Objection.

16 A Yes.

17 Q Could it cause issues with  
18 licensing down the road?

19 MS. QUAN: Objection.

20 A I guess it depends on exactly what  
21 it is. I am not sure.

22 Q How do -- How do students feel  
23 about the Committee on Students?

24 MS. QUAN: Objection.

25 Q Do they like going there?

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1 MS. QUAN: Objection.

2 A I think most students before they  
3 go for the first time are very apprehensive about it,  
4 but typically the Committee on Students is trying to  
5 come up with a plan that is supportive and helpful to  
6 the student. That's the first line of kind of how  
7 they try to approach things.

8 So most of the time once a student  
9 has been brought to the Committee on Students they are  
10 not upset about it and sometimes they feel that it was  
11 a very supportive experience of trying to come up with  
12 a plan that was going to be helpful to them.

13 Q But before that students, I think  
14 you said, try to avoid going to the Committee on  
15 Students?

16 MS. QUAN: Objection.

17 A I think most students would prefer  
18 not to go to the Committee on Students -- Let's put it  
19 that way.

20 Q I mean I -- I would think you'd  
21 prefer not to go in front of a group that has the  
22 power to kick you out of the school; right?

23 A Right. Most students would prefer  
24 not to go in front of the Committee on Students, yes.

25 Q Okay. So let me show you a

1 document which we will mark as Exhibit 17 which is an  
 2 Affidavit from a student whose name has been redacted  
 3 and this is Document No. 2-3 in the case.  
 4 (Plaintiff's Exhibit 17 was marked  
 5 for identification.)  
 6 BY MR. ENGEL:  
 7 Q Have you ever seen this document  
 8 before?  
 9 A It's not up on the screen.  
 10 Q Oh, I'm sorry.  
 11 You can see it now; right?  
 12 A Yes.  
 13 Q Okay. Have you ever seen this  
 14 document before?  
 15 A No.  
 16 Q Okay. So let me ask you about a  
 17 couple of things the student says. The student says  
 18 in Paragraph 4 -- I'm sorry -- in Paragraph 3 that she  
 19 is -- Is it a she or he? Well, I won't say either. I  
 20 won't use pronouns. Let me rephrase.  
 21 The student says in Paragraph 3  
 22 that the student is "aware that CWRU officials were  
 23 unhappy with the outcome" of the Title IX matter. Do  
 24 you have any reason to dispute that statement?  
 25 MS. QUAN: Objection.

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1 A I have no reason to believe that  
 2 statement.  
 3 Q So why do you think the student is  
 4 incorrect?  
 5 A I -- In all the conversations that  
 6 I have ever had with all the different Society Deans  
 7 and people involved with all of this I have never had  
 8 anybody say that the outcome should have been  
 9 different.  
 10 Q In Paragraph 5 the student says in  
 11 referring to the GroupMe post, "I have seen worse  
 12 things from students go by without any mention by the  
 13 COS." Do you agree with that statement?  
 14 MS. QUAN: Objection.  
 15 A That that student has seen worse  
 16 things go -- I have no idea what that student's  
 17 referring to.  
 18 Q The student then says, "Students at  
 19 the Medical School have expressed the belief that  
 20 John Noakes must be guilty. The fact that he was  
 21 found 'not responsible' is proof that the Title IX  
 22 process is flawed." Have you heard that from  
 23 students?  
 24 A I haven't talked to students about  
 25 the outcome of this Title IX case.

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1 Q So do you have any reason to  
 2 disagree with what the student is saying here in  
 3 Paragraph 5?  
 4 MS. QUAN: Objection.  
 5 A I -- I can't comment on it. I  
 6 don't know what the students were thinking.  
 7 Q Okay. The student goes on to say,  
 8 "Students have sought to exclude John Noakes from  
 9 group projects and circulated a petition seeking his  
 10 removal from the school." Is that accurate?  
 11 MS. QUAN: Objection.  
 12 A The second part I believe is  
 13 accurate. You showed me the petition. The first part  
 14 I don't know whether it was that they were seeking to  
 15 exclude him from group projects or that they were  
 16 feeling afraid of him or anxious to be near him.  
 17 Q Does it matter from a  
 18 professionalism standpoint?  
 19 A Well --  
 20 MS. QUAN: Objection.  
 21 THE WITNESS: I'm sorry.  
 22 A Like I said before, I think that  
 23 your intention does matter from a professionalism  
 24 standpoint.  
 25 Q So are students not -- are students

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1 required to work with John Noakes?  
 2 MS. QUAN: Objection.  
 3 A We ended up making a decision that  
 4 all the students unless they were directly involved in  
 5 the Title IX case were required to work with him,  
 6 were -- were not going to be removed from working with  
 7 him or prevented -- or protected from working with  
 8 him.  
 9 Q Okay. And the student says in  
 10 Paragraph 7, "Medical students are not willing to risk  
 11 a review by the Committee on Students." Is that  
 12 consistent with your experience?  
 13 A I -- I don't --  
 14 MS. QUAN: Objection.  
 15 A I don't -- I don't know what that  
 16 means.  
 17 Q Do you believe that students are  
 18 afraid to go before the Committee on Students?  
 19 MS. QUAN: Objection.  
 20 A Yes.  
 21 Q And then the student says, "The  
 22 threat of being forced to appear before the  
 23 Committee on Students is likely to deter other  
 24 Case Western students from complaining about the  
 25 Case Western Title IX process." Do you agree or

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1 disagree with that statement?

2 MS. QUAN: Objection.

3 A I disagree. I -- I don't

4 understand what -- what complaining about the Title IX

5 process has to do with going in front of the

6 Committee on Students.

7 Q Is the threat of being compelled

8 to -- Well, let me ask about the last sentence. They

9 write, "Few students are likely to risk doing anything

10 that might result in the review by the Committee on

11 Students." Do you agree with that?

12 MS. QUAN: Objection.

13 A This doesn't make any sense to me

14 because complaining about something doesn't bring you

15 up as the student being evaluated in front of the

16 Committee on Students, so this paragraph doesn't make

17 any sense to me.

18 Q If it did, if -- if a student were

19 being reviewed by the Committee on Students for

20 complaining about a Title IX process or defending

21 themselves of the Title IX process might that have a

22 deterrent effect on them?

23 MS. QUAN: Objection.

24 A That's like totally speculation.

25 I -- I -- I don't -- It's incomprehensible to me what

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1 you're asking.

2 Q Were you involved in the listening

3 session that occurred about April 21st of 2021

4 regarding this matter?

5 A What was the listening session?

6 Q Well, let me show you then what

7 we'll mark as Exhibit 18, an email dated April 21st,

8 2021, from Molly Simmons with Bates No. 232 at the

9 bottom and the email signed by Dr. Ricanati and

10 Dr. Clark-Taylor.

11 (Plaintiff's Exhibit 18 was marked

12 for identification.)

13 BY MR. ENGEL:

14 Q Have you ever seen this email

15 before?

16 A Not that I recall.

17 Q Okay. It says there was a meeting

18 held on Monday, April 26th, at 5:00 p.m. via Zoom.

19 Did you participate in that meeting?

20 A No, I don't think so.

21 Q Do you have any knowledge about

22 what occurred at that meeting?

23 A No. I was really trying to just be

24 oriented towards the student and not be involved in

25 the rest of the drama.

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1 (Plaintiff's Exhibit 19 was marked

2 for identification.)

3 BY MR. ENGEL:

4 Q And then let me show you what's

5 marked 19 which is an April 16, 2021, email to the

6 medical school from Molly Simmons and with Bates No.

7 134 on it. Have you ever seen this email before?

8 A I think so.

9 Q Do you know why this email was

10 sent?

11 A I think that the Student Affairs'

12 office was trying to establish expectations related to

13 social media including GroupMe.

14 Q Was this email sent directly in

15 response to the post from John Noakes?

16 MS. QUAN: Objection.

17 A It -- It definitely came out of

18 those conversations.

19 Q Okay. Were you aware of any

20 conversations prior to April 15, 2021, about social

21 media and electronic forms of communication?

22 MS. QUAN: Objection.

23 A I think there is information on

24 that in their orientation, but I don't know the exact

25 content of it.

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1 Q In other words, it's been

2 represented to us that there were a lot of discussions

3 going on about sending an email like this before April

4 of 2021. Were you a part of any of those

5 conversations?

6 A Of sending -- I'm sorry. Say that

7 again.

8 Q Sending an email to the school.

9 A You mean to the students?

10 Q To the students, yeah.

11 A Before -- I think this email went

12 out to try to provide better guidance about what is

13 expected, but I think that during orientation they

14 were given an overview of what's appropriate and not

15 appropriate in social media.

16 Q And so let me -- Let's mark as

17 Exhibit 20 an Affidavit of Dr. Ricanati and this is

18 filed in the Court as Document No. 18-3.

19 (Plaintiff's Exhibit 20 was marked

20 for identification.)

21 BY MR. ENGEL:

22 Q Have you ever seen this document

23 before?

24 A No.

25 Q And he says in Paragraph 7 that,

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1 "In or around early 2021, several medical students  
2 were referred to the Professionalism Working Group due  
3 to social media posts, social media activities, or  
4 electronic communications." Do you have any knowledge  
5 of that?

6 A I don't remember.

7 Q Do you remember if any of those  
8 students were referred to the Committee on Students?

9 A I don't -- I don't know what this  
10 is about and I don't remember.

11 Q Okay. So can you confirm anything  
12 in that first sentence of Paragraph 7 by Dr. Ricanati?

13 A I just don't remember.

14 Q So I'm going to ask a very lawyerly  
15 question.

16 Do you have any knowledge of  
17 students being referred to the Professionalism Working  
18 Group through the social media posts, social media  
19 activities, or electronic communications in early  
20 2021?

21 MS. QUAN: Objection.

22 A No.

23 Q Were you aware that Dr. Ricanati  
24 and Dr. Logio were working on a correspondence of the  
25 School of Medicine regarding professional and

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1 appropriate uses of electronic forms of communication?  
2 A They don't -- They could well be,  
3 but I don't know that I would know about it and I  
4 don't remember.

5 Q Okay. So you personally have no  
6 knowledge of that?

7 A Correct, or no memory of it --  
8 Let's put it that way.

9 Q So looking back at that April 16th,  
10 2021, email there's examples of unprofessional  
11 comments in there; right?

12 A Yes.

13 Q Okay. And at the beginning of this  
14 deposition we discussed a number of other posts such  
15 as the survey or the petition that seemed to violate  
16 those rules; right?

17 A I don't know whether they -- I  
18 would have to really look at them again and look at  
19 this list.

20 Q Okay. Well, let me ask a different  
21 question.

22 Are you aware of any students at  
23 the medical school being referred to the  
24 Professional Working Group or the Committee on  
25 Students for violating the standards described in this

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1 April 16th, 2021, email?

2 A It could totally have happened but  
3 not that I remember.

4 Q Okay. So do -- do you have any  
5 personal knowledge of that happening?

6 A I don't remember any story of that.  
7 It seems vaguely familiar, but I can't say enough  
8 about it to be able to say a definitive yes or no.

9 Q So during the summer of 2021 did  
10 you encourage John Noakes to take a year off?

11 A Yes.

12 Q Why did you do that?

13 A He came to me with an opportunity  
14 that sounded really great working for a start-up and  
15 really being involved in the ground floor. He seemed  
16 very excited about it and it seemed to me to be a  
17 win-win because I felt like there was so much  
18 potential for conflict with this class that being able  
19 to have a year to then come back into the class behind  
20 it might be a lot less distracting and allow him to  
21 get more out of it.

22 Q Would the potential for conflict  
23 with his class be John Noakes' fault?

24 MS. QUAN: Objection.

25 A I don't know the answer to that. I

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1 think it goes both ways. I think emotions were  
2 running very high.

3 Q Okay. What obligation did the --  
4 or does the medical school have to tamp down those  
5 emotions on the part of people who think John Noakes  
6 shouldn't be in the class?

7 MS. QUAN: Objection.

8 A I don't know -- I don't know that I  
9 can answer that. I -- I don't feel that I was  
10 personally responsible for that.

11 Q Okay. Did you make any efforts to  
12 tamp down those emotions from other people?

13 MS. QUAN: Objection.

14 A The efforts that I made was through  
15 talking to my student about strategies he could take  
16 to not get into so much conflict.

17 Q And do you have any conversations  
18 with any of your other students about avoiding those  
19 conflicts?

20 MS. QUAN: Objection.

21 A Not that I recall.

22 Q In other words, it appears that you  
23 put all the onus on John Noakes to lower the  
24 temperature and none of the onus on anyone else -- Is  
25 that a fair statement?

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1 A It's not my responsibility --  
 2 MS. QUAN: Objection.  
 3 THE WITNESS: Sorry.  
 4 MS. QUAN: Go ahead.  
 5 A It's not my responsibility to do  
 6 things related to the class or the environment in the  
 7 class. My responsibility was to be a good advisor for  
 8 this student.  
 9 Q And whose responsibility would that  
 10 be?  
 11 MS. QUAN: Objection.  
 12 A I think it depends on the  
 13 circumstances, but I'm hoping that all of us were  
 14 advising our students to try not to escalate things.  
 15 Q Did you advise any of your other  
 16 students to not escalate things with John Noakes?  
 17 A I don't --  
 18 MS. QUAN: Objection.  
 19 A I don't know that any of my other  
 20 students were escalating things.  
 21 Q Okay. Were any of your other  
 22 students part of the 31 students who submitted  
 23 Early Concerns about John Noakes?  
 24 MS. QUAN: Objection.  
 25 A I don't know.

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1 Q Did you have any discussions -- Do  
 2 you know if any other Society Deans had discussions  
 3 with students about their obligations to not escalate  
 4 things with John Noakes?  
 5 A I don't --  
 6 MS. QUAN: Objection.  
 7 A I don't know.  
 8 Q So let me show you an email that  
 9 you sent on August 2nd of 2021, Bates No. 805 at the  
 10 bottom, and you sent it to John Noakes. We'll mark  
 11 that as Exhibit 21.  
 12 (Plaintiff's Exhibit 21 was marked  
 13 for identification.)  
 14 BY MR. ENGEL:  
 15 Q Do you remember sending this email?  
 16 A Yes.  
 17 Q Why did you send this email?  
 18 A I was really disappointed that  
 19 after having the conversation about what an incredible  
 20 opportunity this seemed to be both for him in terms of  
 21 the business venture and also in terms of being able  
 22 to switch classes I was really disappointed that he  
 23 seemed to change the plans without -- and -- and --  
 24 and, you know, he said that it was -- that he had  
 25 talked to his parents, but prior to that he had told

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1 me that he had a really complicated relationship with  
 2 his parents and that they weren't very -- and that he  
 3 had like lived separately from them when he was in  
 4 high school and that it was a complicated  
 5 relationship, and so I was surprised to suddenly have  
 6 his parents kind of involved in the situation and I  
 7 felt like they had given him bad advice.  
 8 Q Do -- Do you know his parents?  
 9 A No.  
 10 Q Okay. Do you know like his mother  
 11 is a physician, I believe -- Are you familiar with  
 12 that?  
 13 A I know that now. I didn't -- I  
 14 mean I didn't know this -- that at the time, but I  
 15 know that now.  
 16 Q And you indicated then that it  
 17 would -- part of the reason he should take a year off  
 18 was it would buy time for your class to cool off and  
 19 separate you from Jane Roe. Why -- Why was that  
 20 appropriate?  
 21 A I just felt like because emotions  
 22 were so high and the class was kind of polarized that  
 23 it was going to be -- you know, it's very hard to  
 24 legislate culture, you know, where there's an -- an  
 25 emotional environment in the class and a lot of buzz

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1 and a lot of the things that students do are very team  
 2 based and I just felt like it was going to be a  
 3 difficult environment for him and that going into the  
 4 next class down would allow him to be with a class  
 5 that didn't have all of -- you know, all of this drama  
 6 or heightened emotions about -- toward him and that he  
 7 could probably have a better experience with that  
 8 class.  
 9 Q Are you aware of any efforts made  
 10 by any faculty at Case Western Medical School to  
 11 encourage the other members of his class to cool off  
 12 as you put it?  
 13 MS. QUAN: Objection.  
 14 A I don't know the answer to that.  
 15 Q Well, I'm asking you a specific  
 16 question.  
 17 Do you have any knowledge of any  
 18 efforts made by other faculty members to lower the  
 19 temperature involving John Noakes?  
 20 MS. QUAN: Objection.  
 21 A Yes, I think there were  
 22 conversations with other students about not getting so  
 23 involved in all of this and to try to just leave him  
 24 alone and go about their business.  
 25 Q Okay. Tell me what you know about

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1 those conversations?

2 A Well, for one example I know when

3 that survey came out that it was -- that the person

4 who presented the results of it was told it needed to

5 come down. You know, I don't know about individual

6 other conversations, but my recollection is that

7 everybody of the Society Deans was kind of in

8 agreement that the best outcome is going to be if

9 everybody would cool down. I don't know exactly what

10 steps people took.

11 Q And then let me show you what we

12 will mark as Exhibit 22, an August 3rd email chain

13 between you and it looks like Dr. Azok and

14 Dr. Ricanati and others with Bates No. 601 at the

15 bottom.

(Plaintiff's Exhibit 22 was marked  
for identification.)

18 BY MR. ENGEL:

19 Q Do you remember this email

20 exchange?

21 A Yes.

22 Q Okay. And then on August 3rd it

23 looked like you wrote to the group, "I tried to

24 re-convince him, but I think he has decided. UGH."

25 Why did you write that?

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1 A You know, "re-convince" may not be

2 the right word, but I was so disappointed that it

3 seemed like such a great option to have this job that

4 he was excited about that would allow him to be in

5 with a different class. I just felt like having these

6 kinds of heightened emotions in your class was going

7 to be very hard for him to get the most out of it and

8 I was really disappointed that he decided not to take

9 that opportunity.

10 Q Did John Noakes express any concern

11 that it was unfair to allow other people in his class

12 to dictate his educational progress?

13 A You know, I don't -- It's not

14 really a matter of -- I -- I was being very pragmatic,

15 I think, at that point. It's -- Like I said, you

16 can't really legislate subtle emotional reactions of

17 other people to you and it just sounded like it was

18 not going to be a nice environment for him to be in,

19 and I -- you know, you can talk to the class, you can

20 do things, you know, but I just -- I didn't see it --

21 that it was likely going to be a good environment, so

22 I was worried -- I was worried about it for him, but

23 he wanted to stay in the class and it's not up to me,

24 so, you know -- and, like I said, he made the

25 decision, you know. I can -- I can try to give him

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1 different perspectives on it and encourage him, but

2 it's his decision.

3 Q Well, I'm -- I'm confused because

4 in reviewing the Case Western policy I have seen other

5 efforts to regulate emotional responses of students to

6 other students.

7 For -- For example, if a student

8 said, "I have emotional response and I don't like to

9 work with African-American students," you wouldn't

10 tolerate that; would you?

11 MS. QUAN: Objection.

12 A No.

13 Q And -- And the school's actually

14 legislated against that; right?

15 A Yeah, but that doesn't make it a

16 perfect environment for all the African-American

17 students.

18 Q So when you said -- If an

19 African-American student was in a class with a bunch

20 of skinheads who didn't like black people would you

21 say to that African-American student, "Why don't you

22 just take a year off and," you know, "next year you'll

23 probably have a different group that may not be as

24 racist"?

25 A I don't think that's --

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1 MS. QUAN: Objection.

2 A I don't think that's a parallel

3 situation.

4 Q Why not?

5 A Because I think it -- it was a

6 two-way street how things went in this class for my

7 student. I -- You know, I think that the GroupMe post

8 was something that was like escalating the -- the

9 conflict and, you know, I -- I think that that's just

10 a -- a different situation. I just think it's a

11 different situation.

12 Q I think you said in response to

13 your August 3rd, 2021, email that "re-convince" was

14 not the right word. What -- What's the right word?

15 A Encourage.

16 MR. ENGEL: That was Exhibit 22;

17 right?

18 THE REPORTER: Yes.

19 BY MR. ENGEL:

20 Q All right. Let's mark as

21 Exhibit 23 your Affidavit.

(Plaintiff's Exhibit 23 was marked  
for identification.)

24 BY MR. ENGEL:

25 Q Exhibit 23 is titled "Declaration

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1 Of Dr. Marjorie Greenfield" and there is -- I believe  
2 it's filed as Document No. -- I can't read that --  
3 18-4 of this case. Do you remember signing this  
4 Affidavit?

5 A Yes.

6 Q Okay. And if we look at the last  
7 page that's your signature?

8 A Yes, that is my signature.

9 Q And you believe everything in here  
10 is true and accurate?

11 A Except I think I might still have  
12 the year that I started as Society Dean wrong. I  
13 think it might be 2016.

14 Q Okay. I don't think -- I think we  
15 all agree that doesn't make a material difference in  
16 this case.

17 A Can I read it -- through it,  
18 please?

19 Q Sure. Take your time. Let me know  
20 when you want me to scroll.

21 A Can you go to the next page,  
22 please?

23 Yes -- Yes, those are all accurate.

24 Q Okay. Nothing in there you want to  
25 correct?

1 A No.

2 Q Okay. So referring to

3 Paragraph 9 first where you said, "I never tried to  
4 force him," meaning John Noakes, "into taking a year  
5 off of medical school to accommodate Ms. Roe or for  
6 any other reason," is that accurate?

7 A Correct.

8 Q Okay. But you -- I think your  
9 testimony is you did try to force -- or try to  
10 encourage him to take a year off?

11 A I definitely tried to encourage him  
12 to take a year off.

13 Q Okay. And one of your emails  
14 indicated you tried to convince him to take a year  
15 off?

16 A I would say I tried to convince him  
17 to take a year off. It was his decision, but I tried  
18 to convince him.

19 Q Paragraph 10 says you never  
20 threatened him with disciplinary action or  
21 disciplinary proceedings if he didn't follow your  
22 advice?

23 A No. It was always his decision and  
24 he always knew that.

25 Q Okay. And just so we're clear the

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1 Committee on Students has the ability to impose  
2 disciplinary action; right?

3 A Correct. Society Deans will refer  
4 their own students to Committee on Students.

5 Q And Paragraph 11 says you never  
6 threatened him with disciplinary action or  
7 disciplinary proceedings if he filed a Title IX  
8 complaint with the Office of Equity?

9 A Correct. I would never do that.

10 Q Okay. Paragraph 12 says you never  
11 told him bad things would happen if he engaged with  
12 the Office of Equity or otherwise participated in the  
13 Office of Equity investigations or proceedings?

14 A Right, yes.

15 Q Okay. So you had a number of  
16 meetings with him in September of this year about the  
17 matters we have been talking about; right?

18 A I was meeting with him regularly,  
19 yes.

20 Q Okay. So do you recall a meeting  
21 with him on September 1st of this year?

22 A I don't remember them by date. I  
23 could look in my calendar perhaps, but I don't  
24 remember meetings by date.

25 Q Okay. Well, do you recall a

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1 meeting when you told him that you had been talking  
2 with his empathy coaches and that things were not  
3 going well?

4 A No.

5 Q Do you remember John Noakes during  
6 this meeting in early September telling you that there  
7 was consistent violations of the No Contact Order,  
8 stalking, and intimidating behavior by Jane Roe?

9 A The No Contact -- Yes to the first,  
10 the No Contact Order. Stalking and intimidating  
11 behavior, I don't think it was framed that way to me.

12 Q Did you tell John Noakes that you  
13 felt sorry that he was not going to take a year off?

14 A Probably.

15 Q Did you tell him that taking a year  
16 off was his only solution?

17 MS. QUAN: Objection.

18 A No, I wouldn't frame it that way.

19 Q Did you, in fact, use those words  
20 that it was his only solution?

21 A No. I might have said that it was  
22 the only solution that I could see from my vantage  
23 point in my experience that -- that was likely to  
24 de-escalate things, but I would never say that was his  
25 only solution. It's his choice what he does.

1 Q Did you tell John Noakes during  
2 this meeting that Title IX only makes things worse  
3 even though it's "the legal thing to do"?  
4 MS. QUAN: Objection.  
5 A I don't remember.  
6 Q Did you tell him that he should not  
7 pursue his Title IX matter or consult lawyers about  
8 his Title IX rights?  
9 A I advised him to try to de-escalate  
10 things in his class and not keep getting engaged with  
11 the other student and escalating things.  
12 Q So in doing so did you tell him he  
13 shouldn't pursue any Title IX complaints?  
14 A No, I don't think so.  
15 Q Did you, in fact, tell him during  
16 that meeting that even though, "This is unfair," in  
17 the end Title IX "only creates a toxic environment"?  
18 MS. QUAN: Objection.  
19 A I don't remember saying it that way  
20 and I don't think that I would.  
21 Q So is it your testimony you didn't  
22 tell him that a Title IX complaint "only creates a  
23 toxic environment"?  
24 A I don't know what you mean by a  
25 Title IX complaint.

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1 Q Well, you were aware that  
2 John Noakes was going to pursue a complaint with  
3 Title IX against Jane Roe for harassment and  
4 intimidating behavior; right?  
5 A Yes -- Well, I didn't know that --  
6 I -- I knew that he wanted to put in some kind of  
7 complaint. I didn't know how that would go -- where  
8 that would go.  
9 Q You're aware he wanted to pursue  
10 it, though; right?  
11 A I was aware he wanted to pursue it.  
12 Q And during this conversation on  
13 September 1st when he said he wanted to pursue it  
14 isn't it true that you told him that even though it's  
15 unfair in the end pursuing the Title IX complaint only  
16 creates a toxic environment?  
17 A I don't remember what words I used,  
18 but I think that I felt that this back and forth and  
19 back and forth with each of them making complaints  
20 about each other was only going to escalate the  
21 situation.  
22 Q Did you warn John Noakes that he  
23 would face consequences if he decided to pursue his  
24 Title IX complaint against Jane Roe?  
25 A Absolutely not.

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1 Q And then you're aware that a few  
2 days later on September 3rd he told the Title IX  
3 office he wanted to move forward with the Title IX  
4 complaint against Jane Roe?  
5 A I did not know that.  
6 Q Okay. Are you aware of that now?  
7 A Now that you said it.  
8 Q Okay. And then shortly after that  
9 do you remember having a phone call with John Noakes  
10 on September 7th of 2021?  
11 A Again I don't remember the date.  
12 You will have to tell me the content.  
13 Q Okay. Well, this conversation  
14 began with a discussion of the Tumblr that someone  
15 else had created about Jane Roe and John Noakes?  
16 A Oh, that sounds vaguely familiar,  
17 yes.  
18 Q Okay. And you expressed some  
19 concerns about the Tumblr?  
20 A Yes.  
21 Q Okay. Do you remember telling  
22 John Noakes that even if someone else was posting the  
23 information online it was his responsibility to  
24 de-escalate the situation?  
25 A No, I wouldn't say it that way, but

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1 I might have said that anything he can do to  
2 de-escalate the situation would be a good idea.  
3 MS. QUAN: And, Marjorie, I want  
4 you to answer only what you recall.  
5 THE WITNESS: Uh-huh.  
6 BY MR. ENGEL:  
7 Q Do you remember telling him that  
8 the Tumblr was "another assault on Jane Roe"?  
9 A I did not say it that way. I said  
10 she might have perceived it as another assault.  
11 Q Do you remember saying, "I'm trying  
12 to think of ways out of what seems like an escalating  
13 situation that is, you know -- This Tumblr thing is  
14 sort of yet another assault on Jane Roe"?  
15 A I don't remember saying it in those  
16 words.  
17 Q Do you deny saying that?  
18 A I don't recall saying it that way.  
19 Q Do you know what you meant by the  
20 phrase "another assault on Jane Roe"?  
21 MS. QUAN: Objection.  
22 A I don't think I would say "another  
23 assault". I would say, "She may perceive it as  
24 another assault."  
25 Q So do you -- do you deny saying

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1 that the Tumblr was "another assault on Jane Roe"?  
 2 MS. QUAN: Objection, asked and  
 3 answered, but go ahead again.  
 4 A I don't recall saying it that way  
 5 and I don't think I would.  
 6 Q Okay. Have you reviewed that  
 7 Tumblr?  
 8 A Have I looked at it lately?  
 9 Q Have you looked at it at all?  
 10 A I saw it once.  
 11 Q Okay. And you're aware it doesn't  
 12 have Jane Roe's name in it at all; right?  
 13 A I don't remember.  
 14 Q Do you remember seeing Jane Roe's  
 15 name in it?  
 16 A I totally don't remember. I just  
 17 remember that it looked like it had information from  
 18 the -- related to the Title IX case.  
 19 Q Do you remember asking John Noakes  
 20 what his plan was for de-escalating the situation with  
 21 Jane Roe?  
 22 A I don't recall asking that.  
 23 Q Okay. Do you recall telling him  
 24 that he needed to de-escalate and it's hard to  
 25 de-escalate when someone's aggravating you?

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1 A That sounds like something I would  
 2 say, but I don't recall saying it.  
 3 Q Do you remember telling him, "You  
 4 need to not make your own Title IX reports"?  
 5 A I don't remember saying that, no.  
 6 Q Do you deny saying it?  
 7 A I don't think I said that.  
 8 Q Do you remember saying, "You need  
 9 to not keep sending pictures and texts of things that  
 10 she's doing to Title IX"?  
 11 A I don't remember saying that  
 12 specifically. I remember saying to him that all of  
 13 this continued engagement is likely to make things  
 14 worse.  
 15 Q Do you remember telling him, "You  
 16 need to just hunker down and do your own stuff if  
 17 you're going to stay in the class"?  
 18 A That sounds -- Yeah, I would -- I  
 19 think I said that.  
 20 Q What did you mean by that?  
 21 A If he was going to stay with the  
 22 class and not take the year off that my advice to him  
 23 as his advisor was to focus on his school work and to  
 24 try to disengage from all of the drama.  
 25 Q Do you remember saying that right

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1 after you said, "You need to not make your own  
 2 Title IX reports"?  
 3 MS. QUAN: Objection.  
 4 A I don't remember saying, "Don't  
 5 make your own Title IX reports." I remember saying,  
 6 "I think that he shouldn't keep engaging on this and  
 7 sending -- trying to," you know" -- "trying to report  
 8 every little thing," because I felt that it was just  
 9 escalating the situation, that they were both making  
 10 all these reports on each other and that it wasn't  
 11 going to create a good environment for him. I think  
 12 that was trying to be very programmatic about trying  
 13 to get him through the rest of medical school.  
 14 Q Do you remember telling him he had  
 15 to "do the Martin Luther King approach"?  
 16 A Yes, I do remember saying that.  
 17 Q What did you mean by that?  
 18 A I meant that sometimes you just  
 19 need to not be so reactive, take the high road.  
 20 Q Do you remember telling him that it  
 21 was ill-advised to be initiating any complaints with  
 22 the Title IX Office about Jane Roe?  
 23 A I don't remember for sure, but it  
 24 sounds right.  
 25 Q Do you remember telling him that

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1 the unfairness of the situation is galling?  
 2 A No, I don't remember saying that.  
 3 Q Do you remember telling him that he  
 4 needs to just "put his blinders on and just get  
 5 through your day and try to disengage in this whole  
 6 process as much as you can"?  
 7 A That sounds right.  
 8 Q After learning that he had filed  
 9 the complaint or pursued the complaint against  
 10 Jane Roe with Title IX do you remember telling him,  
 11 "You're digging yourself a hole, honey"?  
 12 A I don't even remember that he had  
 13 put a complaint in with Title IX, but it was more a  
 14 generic putting in complaints about each other. I  
 15 actually thought they might have been Early Concerns  
 16 and I did feel like this was continuing to escalate to  
 17 keep making reports -- for both of them to keep making  
 18 reports about each other all the time, but my -- I  
 19 thought that that was an Early Concern. I didn't know  
 20 that that was a Title IX complaint.  
 21 Q What did you mean by, "You're  
 22 digging yourself a hole"?  
 23 A I just felt that the more he kept  
 24 engaging with the other student the more they were  
 25 both kind of staying connected to each other and the

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1 more it was continuing to polarize the class and that  
 2 her friends who were supporting her were getting more  
 3 emotionally involved in the situation and that the --  
 4 the back and forth and back and forth with each of  
 5 them making complaints about the other one I couldn't  
 6 see an end to it that was going to be a good  
 7 environment for him to be successful in medical  
 8 school.

9 Q He has a right to submit complaints  
 10 to Title IX; doesn't he?

11 A He has every right to submit  
 12 complaints.

13 Q And it would be a violation of  
 14 Case Western policies for him to face any discipline  
 15 as a result of him submitting complaints to Title IX?

16 A Correct. I agree. This was just  
 17 my advice --

18 Q When you --

19 A This was my advice as his Dean.

20 Q When -- When you said, "You're  
 21 digging yourself a hole," were you giving him advice  
 22 that he could create more discipline for himself by  
 23 submitting complaints to Title IX?

24 MS. QUAN: Objection.

25 A I'm sorry. I don't understand your

1 question.

2 Q I'm sorry. It's a bad question.

3 Let me ask another one.

4 Did you tell John Noakes that you  
 5 "can't protect him"?

6 A I do remember saying that.

7 Q What did you mean by that?

8 A I felt that I was giving him my  
 9 best advice for finding -- navigating his way out of a  
 10 very difficult situation and I was not -- I am failing  
 11 to see other ways out of it just from my vantage  
 12 point, my experience, my expertise.

13 I was, you know -- When he first  
 14 decided not to do the extension, the leave of absence,  
 15 and decided to go back to the class I was hopeful that  
 16 things would just die down, that they would stay away  
 17 from each other, and then I was very concerned by this  
 18 point that things were escalating, the class was --  
 19 was -- emotions were getting more and more intense,  
 20 that -- that things were kind of escalating, that he  
 21 was continuing to engage and she was continuing to  
 22 engage, and I was having a very hard time seeing how  
 23 he was going to have kind of a normal medical student  
 24 experience and get the most out of medical school.

25 Q Do you know if anyone was having a

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1 similar conversation with Jane Roe?

2 A I don't know.

3 Q Do you know if anyone was telling  
 4 Jane Roe that she had to take the Martin Luther King  
 5 approach?

6 A I don't know. I know there was  
 7 some discussion with her about potentially taking a  
 8 year off and then she decided not to.

9 Q Do you remember telling  
 10 John Noakes, "The only way you're going to come out of  
 11 this looking like you're not causing problems to other  
 12 people, harming other people, is to stop reacting"?

13 A I don't remember word for word that  
 14 I said that, but I might have.

15 Q Would you have made those same  
 16 comments to someone who claimed to be a victim of  
 17 sexual harassment?

18 MS. QUAN: Objection.

19 A I don't know.

20 Q And if a female student came to you  
 21 and said they were the victim of sexual harassment  
 22 would you say, "You need to stop causing problems"?

23 MS. QUAN: Objection.

24 A No. If a female student came to me  
 25 and said she was a victim of sexual harassment I would

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1 make a Title IX report because I'm a mandated  
 2 reporter.

3 Q John Noakes was complaining to you  
 4 that he was the victim of harassment and intimidation;  
 5 right?

6 A He didn't --

7 MS. QUAN: Objection.

8 A He didn't -- He didn't frame it as  
 9 harassment and intimidation.

10 Q Well, he told you specifically he  
 11 wanted to file a Title IX complaint; right?

12 A He wanted to file a complaint for  
 13 her coming up to him in the classroom the day that his  
 14 mother had joined him in the classroom. That's the  
 15 only thing that I recall and I didn't know what kind  
 16 of complaint that was. I think at the time I thought  
 17 he was making an Early Concern.

18 Q Well, he also told you -- I mean  
 19 you were also aware that he was subject to harassment  
 20 and intimidation by other members of the class; right?

21 A Again I -- I wasn't framing it as  
 22 intimidation. I was framing it in -- in my mind it  
 23 was the emotions in the class were very heightened.  
 24 People were very polarized and -- people were very  
 25 polarized and that's -- that was the way that I was

1 seeing it was that emotions were very high on both  
2 sides.  
3 Q Well, you see the problem; right?  
4 You see that John Noakes is complaining that he's been  
5 subject to harassment and intimidation. He said, "I  
6 want to complain about it," and you say, "Stop causing  
7 problems." How is that not problematic?

8 MS. QUAN: Objection.

9 A I think I was trying to be  
10 pragmatic about thinking about how to -- You know, the  
11 Title IX case was over. The decision had been made.  
12 He was found not responsible. This was the fallout of  
13 a combination of the result which he doesn't have  
14 control over -- It was a good result for him -- and  
15 his GroupMe post which inflamed the situation, and the  
16 way that I was seeing it all the way through was that  
17 he was contributing to some of the escalation, so I  
18 felt that the best thing for him to do was to try to  
19 not contribute to the escalation and that was the  
20 advice I was giving him from my vantage point as his  
21 advisor.

22 Q Are you aware during this time  
23 period, September, 2021 -- At any point during  
24 September, 2021, are you aware of any actions taken by  
25 Case Western to stop other students from harassing or

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1 intimidating or bullying John Noakes?  
2 MS. QUAN: Objection.  
3 A There were actions taken like  
4 students being told, "No, you can't request to not be  
5 in his group. We all have to work together," things  
6 like that where they -- they were trying to just again  
7 kind of get things back to normal, but -- and I -- but  
8 I don't know whether there were other things.

9 Again I was really trying to stay  
10 out of the stuff going on in the class so that I  
11 wouldn't be -- thinking too much from their  
12 perspective. I wanted to really stay with thinking  
13 from my student's perspective and trying to support  
14 him.

15 Q So what specific actions other than  
16 telling him to turn the other cheek like Martin Luther  
17 King did you take to support John Noakes?

18 MS. QUAN: Objection.

19 A I encouraged him to take this  
20 wonderful opportunity that he had to take a year off,  
21 do this interesting job, and join the next class. I  
22 really felt that that was probably the best way for  
23 him to navigate this.

24 Q Did you do anything else to provide  
25 support for him?

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1 MS. QUAN: Objection.

2 A I am just trying to think of what  
3 else that I did that might be considered supporting  
4 him. I tried to help him see that emotions were high  
5 so that he might have a way to reframe some of the  
6 things he was experiencing, and I think the biggest  
7 thing that I did that was good advice for him was  
8 advising him to -- to take this opportunity and to go  
9 to the next class.

10 MR. ENGEL: All right. That is all  
11 I have. So thank you for your time. I don't  
12 know if Amanda wanted to ask any questions or  
13 not. It's her opportunity to.

14 MS. QUAN: Not at this time.

15 MR. ENGEL: All right. Well, we  
16 will conclude this deposition. And do you  
17 want to talk about -- Does she want to read  
18 and sign or --

19 MS. QUAN: Yes, we will read.

20 MR. ENGEL: Okay. Let's go off the  
21 record here.

22  
23 \_\_\_\_\_  
24 MARJORIE GREENFIELD, M.D.

25 (DEPOSITION CONCLUDED AT 3:35 P.M.)

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1 C E R T I F I C A T E

2 STATE OF OHIO :  
3 COUNTY OF BUTLER : SS:

4 I, Pamela L. Jackson, a duly qualified and  
5 commissioned notary public in and for the State of  
6 Ohio, do hereby certify that prior to the giving of  
7 her deposition, the within named MARJORIE GREENFIELD,  
8 M.D., was by me first duly sworn to testify to the  
9 truth, the whole truth, and nothing but the truth;  
10 that the foregoing pages constitute a true and correct  
11 transcript of testimony given at said time and place  
12 by said deponent; that said deposition was taken by me  
13 in stenotypy and transcribed under my supervision;  
14 that I am neither a relative of nor attorney for any  
15 of the parties to this litigation, nor relative of nor  
16 employee of any of their counsel, have no interest  
17 whatsoever in the result of this litigation, and am  
18 not, nor is the court reporting firm for which I am  
19 affiliated, under a contract as defined in Civil Rule  
20 28(D).

21 IN WITNESS WHEREOF, I hereunto set my  
22 hand and official seal of office at Hamilton, Ohio,  
23 this 3rd day of December, 2021.

24 Commission Expires: 11/17/2023 /s/Pamela L. Jackson  
25 Pamela L. Jackson

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